

(124th General Assembly)
(Amended Substitute House Bill Number 94)

AN ACT

To amend sections 9.03, 9.06, 9.821, 9.822, 101.15, 101.27, 101.30, 101.311, 101.34, 101.37, 101.72, 101.73, 102.02, 102.03, 102.031, 102.06, 103.143, 105.41, 107.10, 111.16, 111.18, 111.23, 111.25, 118.08, 120.06, 120.16, 120.26, 120.33, 121.40, 121.63, 122.011, 122.71, 122.76, 122.92, 124.24, 124.82, 125.22, 126.11, 126.21, 127.16, 131.01, 133.021, 133.06, 133.07, 135.80, 135.81, 135.82, 135.83, 135.84, 135.85, 135.86, 135.87, 140.01, 145.01, 145.33, 147.01, 147.02, 147.03, 147.05, 147.06, 147.13, 147.14, 147.37, 147.371, 151.04, 166.03, 169.01, 173.35, 173.40, 173.46, 173.47, 175.03, 175.21, 175.22, 175.24, 179.02, 179.03, 179.04, 181.51, 181.52, 181.54, 181.55, 181.56, 183.09, 183.10, 183.17, 183.28, 183.30, 301.27, 307.86, 313.091, 325.071, 329.04, 329.042, 339.05, 340.02, 340.03, 340.08, 340.091, 349.01, 503.162, 504.03, 504.04, 505.24, 507.09, 737.03, 901.43, 901.63, 901.81, 901.82, 917.07, 917.99, 1309.40, 1309.401, 1309.402, 1309.42, 1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 1329.421, 1329.45, 1329.56, 1329.58, 1329.60, 1329.601, 1345.21, 1501.01, 1501.23, 1501.40, 1503.011, 1507.01, 1509.06, 1509.071, 1509.08, 1509.11, 1509.23, 1513.05, 1513.13, 1513.14, 1514.11, 1517.05, 1517.06, 1517.07, 1521.04, 1531.35, 1533.13, 1547.67, 1561.05, 1561.07, 1561.11, 1561.12, 1561.13, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1561.23, 1561.26, 1561.35, 1561.351, 1561.46, 1561.51, 1561.52, 1563.13, 1565.04, 1565.06, 1565.07, 1565.08, 1565.25, 1701.05, 1701.07, 1701.81, 1702.05,

1702.06, 1702.43, 1702.59, 1703.04, 1703.041, 1703.15, 1703.17, 1703.27, 1703.31, 1705.05, 1705.06, 1705.38, 1705.55, 1746.04, 1746.06, 1746.15, 1747.03, 1747.04, 1747.10, 1775.63, 1775.64, 1782.04, 1782.08, 1782.09, 1782.433, 1785.06, 1901.26, 1907.24, 2303.201, 2317.02, 2317.022, 2329.66, 2715.041, 2715.045, 2716.13, 2919.271, 2921.13, 2953.21, 3109.14, 3119.022, 3301.075, 3301.70, 3301.80, 3301.85, 3307.05, 3311.057, 3313.201, 3313.37, 3313.41, 3313.603, 3313.64, 3314.07, 3314.08, 3314.09, 3316.20, 3317.01, 3317.012, 3317.013, 3317.014, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.029, 3317.0210, 3317.0212, 3317.0213, 3317.0216, 3317.03, 3317.05, 3317.051, 3317.06, 3317.064, 3317.10, 3317.11, 3317.13, 3317.16, 3317.161, 3317.162, 3317.19, 3317.20, 3318.01, 3318.04, 3318.05, 3318.053, 3318.06, 3318.08, 3318.10, 3318.12, 3318.31, 3318.36, 3318.362, 3318.37, 3318.38, 3319.19, 3321.01, 3323.09, 3323.091, 3327.10, 3333.02, 3333.03, 3333.043, 3333.12, 3333.13, 3333.21, 3333.22, 3345.05, 3345.19, 3353.07, 3383.01, 3383.02, 3383.04, 3383.07, 3505.063, 3701.04, 3701.142, 3701.77, 3701.771, 3701.772, 3702.68, 3704.034, 3721.10, 3721.12, 3721.13, 3721.15, 3721.16, 3721.17, 3721.51, 3721.56, 3722.01, 3722.15, 3722.16, 3734.28, 3734.57, 3734.82, 3734.901, 3734.904, 3735.27, 3745.014, 3745.04, 3745.11, 3745.22, 3750.02, 3750.13, 3769.08, 3769.085, 3769.087, 3769.20, 3770.06, 3773.56, 3793.04, 3902.23, 3923.28, 3923.29, 3923.30, 4105.17, 4115.10, 4121.44, 4123.27, 4301.12, 4301.17, 4301.24, 4301.422, 4301.43, 4303.33, 4303.331, 4503.10, 4503.102, 4503.12, 4503.182, 4504.05, 4505.061, 4506.08, 4507.23, 4507.24, 4507.50, 4507.52, 4511.81, 4519.03, 4519.10, 4519.56, 4519.69, 4701.10, 4701.16,

4707.01, 4707.011, 4707.02, 4707.03, 4707.04, 4707.05,
4707.06, 4707.07, 4707.071, 4707.072, 4707.08, 4707.09,
4707.10, 4707.11, 4707.111, 4707.12, 4707.13, 4707.15,
4707.152, 4707.16, 4707.19, 4707.20, 4707.21, 4707.23,
4707.99, 4713.10, 4715.03, 4715.13, 4715.14, 4715.16,
4715.21, 4715.24, 4715.27, 4717.02, 4717.07, 4717.08,
4717.09, 4723.08, 4723.32, 4723.79, 4725.44, 4725.48,
4725.49, 4731.14, 4731.281, 4731.53, 4734.20, 4736.12,
4736.14, 4743.05, 4755.01, 4761.05, 4775.01, 4775.02,
4775.08, 4775.99, 4779.01, 4779.02, 4779.16, 4779.19,
4779.20, 4779.26, 4911.17, 4921.18, 4923.11, 5101.071,
5101.14, 5101.141, 5101.145, 5101.184, 5101.19,
5101.35, 5101.36, 5101.50, 5101.521, 5101.54, 5101.80,
5101.83, 5101.85, 5101.853, 5101.854, 5103.031,
5103.033, 5103.036, 5103.0312, 5103.0313, 5103.0314,
5103.0316, 5103.07, 5104.32, 5104.341, 5107.02,
5107.10, 5107.14, 5107.18, 5108.01, 5108.06, 5108.07,
5108.08, 5108.09, 5108.10, 5111.01, 5111.022, 5111.041,
5111.17, 5111.22, 5111.231, 5111.25, 5111.251,
5111.262, 5111.28, 5111.29, 5111.87, 5119.01, 5119.06,
5119.22, 5119.61, 5122.31, 5123.01, 5123.041, 5123.043,
5123.082, 5123.60, 5123.71, 5123.76, 5126.01, 5126.041,
5126.042, 5126.05, 5126.051, 5126.053, 5126.06,
5126.071, 5126.08, 5126.11, 5126.12, 5126.15, 5126.16,
5126.18, 5126.19, 5126.20, 5126.22, 5126.25, 5126.31,
5126.311, 5126.32, 5126.357, 5126.431, 5139.01,
5139.11, 5139.29, 5139.31, 5153.16, 5153.165, 5153.60,
5153.69, 5153.78, 5703.17, 5703.49, 5705.091, 5705.19,
5705.41, 5705.44, 5709.17, 5711.33, 5721.30, 5725.31,
5727.25, 5727.26, 5727.81, 5727.811, 5727.82, 5727.84,
5727.85, 5727.86, 5727.87, 5728.08, 5729.07, 5731.21,
5733.02, 5733.021, 5733.053, 5733.056, 5733.06,

5733.12, 5733.122, 5733.18, 5733.351, 5733.401, 5733.42, 5735.06, 5735.061, 5739.01, 5739.02, 5739.024, 5739.032, 5739.07, 5739.102, 5739.12, 5739.121, 5739.13, 5739.18, 5741.10, 5741.12, 5743.62, 5743.63, 5745.03, 5745.04, 5747.122, 5747.221, 5747.39, 5749.06, 6109.13, 6109.21, 6111.035, and 6111.044; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3317.161 (3317.052), 3317.162 (3317.053), 5101.19 (329.19), 5101.071 (5101.251), 5101.853 (5101.851), 5101.854 (5101.853), 5108.06 (5108.03), 5108.07 (5108.05), 5108.08 (5108.06), and 5111.87 (5111.871); to enact new sections 3318.052, 5101.852, 5108.07, 5108.08, 5111.34, 5111.87, and 5126.054 and sections 101.302, 101.303, 101.691, 103.33, 107.24, 340.16, 504.21, 1502.12, 1513.10, 1521.19, 3125.18, 3302.041, 3303.01, 3305.061, 3311.058, 3311.062, 3314.072, 3314.091, 3317.0217, 3318.042, 3318.051, 3318.086, 3318.363, 3318.50, 3318.51, 3318.52, 3353.11, 3383.09, 3701.61, 3701.92, 3704.143, 3721.161, 3721.162, 3734.821, 3745.10, 3745.15, 3750.081, 4117.102, 4503.034, 4504.051, 4715.031, 4723.062, 4731.573, 4771.22, 4905.87, 5101.5110, 5101.801, 5101.821, 5111.0110, 5111.042, 5111.081, 5111.171, 5111.63, 5111.85, 5111.86, 5111.872, 5111.873, 5119.611, 5119.612, 5123.044, 5123.045, 5123.046, 5123.047, 5123.048, 5123.049, 5123.0410, 5123.0411, 5123.0412, 5123.0413, 5126.035, 5126.036, 5126.046, 5126.055, 5126.056, 5126.14, 5126.221, 5126.313, 5139.87, and 5153.06; to contingently enact section 1309.525; and to repeal sections 9.832, 103.31, 103.32, 105.45, 105.46, 121.51, 121.52, 121.53, 131.41, 166.032, 307.031, 1329.68,

1503.35, 1503.351, 1507.12, 1561.10, 1561.53, 1561.54, 1561.55, 2151.652, 3317.0215, 3318.052, 3318.055, 3318.061, 3318.081, 3318.13, 3318.14, 3318.17, 3318.361, 3701.88, 3702.17, 3729.01, 3729.02, 3729.03, 3729.05, 3729.10, 3729.11, 3729.12, 3729.14, 3729.15, 3729.16, 3729.17, 3729.18, 3729.21, 3729.22, 3729.23, 3729.24, 3729.26, 3729.29, 3729.36, 3729.40, 3729.41, 3729.43, 3729.45, 3729.46, 3729.55, 3729.61, 3729.99, 5101.143, 5101.52, 5101.541, 5101.542, 5101.543, 5101.851, 5101.852, 5111.34, 5111.341, 5111.88, 5126.054, 5139.28, and 5741.18 of the Revised Code; to amend the versions of sections 5139.29, 5139.31, and 5705.19 and to repeal the version of section 2151.652 of the Revised Code that are scheduled to take effect January 1, 2002; and to amend the versions of sections 5139.01 and 5139.11 of the Revised Code that are scheduled to take effect January 1, 2002, and to amend Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended; to amend Section 3 of Am. Sub. H.B. 440 of the 121st General Assembly, as subsequently amended; to amend Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as subsequently amended; to amend Section 3 of Am. Sub. H.B. 215 of the 122nd General Assembly, as subsequently amended; to amend Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly, as subsequently amended; to amend Sections 6.02, 9, 21.01, and 23 of Am. Sub. H.B. 640 of the 123rd General Assembly; to amend Sections 6.01 and 18 of Am. Sub. H.B. 640 of the 123rd General Assembly, as subsequently amended; to amend Section 9 of Am. Sub. S.B. 192 of the 123rd General Assembly; to amend Section 18 of Am. Sub. S.B. 192 of the 123rd General

Assembly, as subsequently amended; to amend Section 4 of Am. S.B. 210 of the 123rd General Assembly; to amend Sections 9a and 28.43 of Sub. S.B. 245 of the 123rd General Assembly; to amend Section 129 of Am. Sub. H.B. 283 of the 123rd General Assembly; to amend Section 1 of Sub. H.B. 574 of the 123rd General Assembly; to amend Sections 10 and 13 of Am. Sub. S.B. 287 of the 123rd General Assembly; to repeal Section 4 of Am. Sub. H.B. 478 of the 119th General Assembly, as subsequently amended; to repeal Section 18 of Am. Sub. H.B. 650 of the 122nd General Assembly, as subsequently amended; to repeal Section 17 of Am. Sub. H.B. 282 of the 123rd General Assembly, as subsequently amended; to repeal Section 180 of Am Sub. H.B. 283 of the 123rd General Assembly; to repeal Section 9 of Sub. S.B. 245 of the 123rd General Assembly; to repeal Section 15 of Am. Sub. S.B. 287 of the 123rd General Assembly; and to repeal Section 201 of this act on January 16, 2002, to make operating appropriations for the biennium beginning July 1, 2001, and ending June 30, 2003, to provide authorization and conditions for the operation of state programs, to amend sections 1517.05, 1517.06, and 1517.07 of the Revised Code effective two years after their effective date in this act to terminate certain amendments made to those sections by this act, and to provide that the provisions of this act relative to the practices of orthotics, prosthetics, and pedorthics terminate on December 31, 2004, when sections 4779.01, 4779.02, 4779.16, 4779.19, 4779.20, and 4779.26 of the Revised Code are repealed on that date.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 9.03, 9.06, 9.821, 9.822, 101.15, 101.27, 101.30, 101.311, 101.34, 101.37, 101.72, 101.73, 102.02, 102.03, 102.031, 102.06, 103.143, 105.41, 107.10, 111.16, 111.18, 111.23, 111.25, 118.08, 120.06, 120.16, 120.26, 120.33, 121.40, 121.63, 122.011, 122.71, 122.76, 122.92, 124.24, 124.82, 125.22, 126.11, 126.21, 127.16, 131.01, 133.021, 133.06, 133.07, 135.80, 135.81, 135.82, 135.83, 135.84, 135.85, 135.86, 135.87, 140.01, 145.01, 145.33, 147.01, 147.02, 147.03, 147.05, 147.06, 147.13, 147.14, 147.37, 147.371, 151.04, 166.03, 169.01, 173.35, 173.40, 173.46, 173.47, 175.03, 175.21, 175.22, 175.24, 179.02, 179.03, 179.04, 181.51, 181.52, 181.54, 181.55, 181.56, 183.09, 183.10, 183.17, 183.28, 183.30, 301.27, 307.86, 313.091, 325.071, 329.04, 329.042, 339.05, 340.02, 340.03, 340.08, 340.091, 349.01, 503.162, 504.03, 504.04, 505.24, 507.09, 737.03, 901.43, 901.63, 901.81, 901.82, 917.07, 917.99, 1309.40, 1309.401, 1309.402, 1309.42, 1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 1329.421, 1329.45, 1329.56, 1329.58, 1329.60, 1329.601, 1345.21, 1501.01, 1501.23, 1501.40, 1503.011, 1507.01, 1509.06, 1509.071, 1509.08, 1509.11, 1509.23, 1513.05, 1513.13, 1513.14, 1514.11, 1517.05, 1517.06, 1517.07, 1521.04, 1531.35, 1533.13, 1547.67, 1561.05, 1561.07, 1561.11, 1561.12, 1561.13, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1561.23, 1561.26, 1561.35, 1561.351, 1561.46, 1561.51, 1561.52, 1563.13, 1565.04, 1565.06, 1565.07, 1565.08, 1565.25, 1701.05, 1701.07, 1701.81, 1702.05, 1702.06, 1702.43, 1702.59, 1703.04, 1703.041, 1703.15, 1703.17, 1703.27, 1703.31, 1705.05, 1705.06, 1705.38, 1705.55, 1746.04, 1746.06, 1746.15, 1747.03, 1747.04, 1747.10, 1775.63, 1775.64, 1782.04, 1782.08, 1782.09, 1782.433, 1785.06, 1901.26, 1907.24, 2303.201, 2317.02, 2317.022, 2329.66, 2715.041, 2715.045, 2716.13, 2919.271, 2921.13, 2953.21, 3109.14, 3119.022, 3301.075, 3301.70, 3301.80, 3301.85, 3307.05, 3311.057, 3313.201, 3313.37, 3313.41, 3313.603, 3313.64, 3314.07, 3314.08, 3314.09, 3316.20, 3317.01, 3317.012, 3317.013, 3317.014, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.029, 3317.0210, 3317.0212, 3317.0213, 3317.0216, 3317.03, 3317.05, 3317.051, 3317.06, 3317.064, 3317.10, 3317.11, 3317.13, 3317.16, 3317.161, 3317.162, 3317.19, 3317.20, 3318.01, 3318.04, 3318.05, 3318.053, 3318.06, 3318.08, 3318.10, 3318.12, 3318.31, 3318.36, 3318.362, 3318.37, 3318.38, 3319.19, 3321.01, 3323.09, 3323.091, 3327.10, 3333.02, 3333.03, 3333.043, 3333.12, 3333.13, 3333.21, 3333.22, 3345.05, 3345.19, 3353.07, 3383.01, 3383.02, 3383.04, 3383.07, 3505.063, 3701.04, 3701.142, 3701.77, 3701.771, 3701.772, 3702.68, 3704.034, 3721.10, 3721.12, 3721.13, 3721.15, 3721.16, 3721.17, 3721.51, 3721.56, 3722.01, 3722.15, 3722.16, 3734.28, 3734.57,

3734.82, 3734.901, 3734.904, 3735.27, 3745.014, 3745.04, 3745.11, 3745.22, 3750.02, 3750.13, 3769.08, 3769.085, 3769.087, 3769.20, 3770.06, 3773.56, 3793.04, 3902.23, 3923.28, 3923.29, 3923.30, 4105.17, 4115.10, 4121.44, 4123.27, 4301.12, 4301.17, 4301.24, 4301.422, 4301.43, 4303.33, 4303.331, 4503.10, 4503.102, 4503.12, 4503.182, 4504.05, 4505.061, 4506.08, 4507.23, 4507.24, 4507.50, 4507.52, 4511.81, 4519.03, 4519.10, 4519.56, 4519.69, 4701.10, 4701.16, 4707.01, 4707.011, 4707.02, 4707.03, 4707.04, 4707.05, 4707.06, 4707.07, 4707.071, 4707.072, 4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4707.12, 4707.13, 4707.15, 4707.152, 4707.16, 4707.19, 4707.20, 4707.21, 4707.23, 4707.99, 4713.10, 4715.03, 4715.13, 4715.14, 4715.16, 4715.21, 4715.24, 4715.27, 4717.02, 4717.07, 4717.08, 4717.09, 4723.08, 4723.32, 4723.79, 4725.44, 4725.48, 4725.49, 4731.14, 4731.281, 4731.53, 4734.20, 4736.12, 4736.14, 4743.05, 4755.01, 4761.05, 4775.01, 4775.02, 4775.08, 4775.99, 4779.01, 4779.02, 4779.16, 4779.19, 4779.20, 4779.26, 4911.17, 4921.18, 4923.11, 5101.071, 5101.14, 5101.141, 5101.145, 5101.184, 5101.19, 5101.35, 5101.36, 5101.50, 5101.521, 5101.54, 5101.80, 5101.83, 5101.85, 5101.853, 5101.854, 5103.031, 5103.033, 5103.036, 5103.0312, 5103.0313, 5103.0314, 5103.0316, 5103.07, 5104.32, 5104.341, 5107.02, 5107.10, 5107.14, 5107.18, 5108.01, 5108.06, 5108.07, 5108.08, 5108.09, 5108.10, 5111.01, 5111.022, 5111.041, 5111.17, 5111.22, 5111.231, 5111.25, 5111.251, 5111.262, 5111.28, 5111.29, 5111.87, 5119.01, 5119.06, 5119.22, 5119.61, 5122.31, 5123.01, 5123.041, 5123.043, 5123.082, 5123.60, 5123.71, 5123.76, 5126.01, 5126.041, 5126.042, 5126.05, 5126.051, 5126.053, 5126.06, 5126.071, 5126.08, 5126.11, 5126.12, 5126.15, 5126.16, 5126.18, 5126.19, 5126.20, 5126.22, 5126.25, 5126.31, 5126.311, 5126.32, 5126.357, 5126.431, 5139.01, 5139.11, 5139.29, 5139.31, 5153.16, 5153.165, 5153.60, 5153.69, 5153.78, 5703.17, 5703.49, 5705.091, 5705.19, 5705.41, 5705.44, 5709.17, 5711.33, 5721.30, 5725.31, 5727.25, 5727.26, 5727.81, 5727.811, 5727.82, 5727.84, 5727.85, 5727.86, 5727.87, 5728.08, 5729.07, 5731.21, 5733.02, 5733.021, 5733.053, 5733.056, 5733.06, 5733.12, 5733.122, 5733.18, 5733.351, 5733.401, 5733.42, 5735.06, 5735.061, 5739.01, 5739.02, 5739.024, 5739.032, 5739.07, 5739.102, 5739.12, 5739.121, 5739.13, 5739.18, 5741.10, 5741.12, 5743.62, 5743.63, 5745.03, 5745.04, 5747.122, 5747.221, 5747.39, 5749.06, 6109.13, 6109.21, 6111.035, and 6111.044 be amended; sections 3317.161 (3317.052), 3317.162 (3317.053), 5101.19 (329.19), 5101.071 (5101.251), 5101.853 (5101.851), 5101.854 (5101.853), 5108.06 (5108.03), 5108.07 (5108.05), 5108.08 (5108.06), and 5111.87 (5111.871) be amended for the purpose of adopting new section numbers as indicated in parentheses; new sections 3318.052, 5101.852, 5108.07,

08.08, 5111.34, 5111.87, and 5126.054 and sections 101.302, 101.303, 101.691, 103.33, 107.24, 340.16, 504.21, 1502.12, 1513.10, 1521.19, 3125.18, 3302.041, 3303.01, 3305.061, 3311.058, 3311.062, 3314.072, 3314.091, 3317.0217, 3318.042, 3318.051, 3318.086, 3318.363, 3318.50, 3318.51, 3318.52, 3353.11, 3383.09, 3701.61, 3701.92, 3704.143, 3721.161, 3721.162, 3734.821, 3745.10, 3745.15, 3750.081, 4117.102, 4503.034, 4504.051, 4715.031, 4723.062, 4731.573, 4771.22, 4905.87, 5101.5110, 5101.801, 5101.821, 5111.0110, 5111.042, 5111.081, 5111.171, 5111.63, 5111.85, 5111.86, 5111.872, 5111.873, 5119.611, 5119.612, 5123.044, 5123.045, 5123.046, 5123.047, 5123.048, 5123.049, 5123.0410, 5123.0411, 5123.0412, 5123.0413, 5126.035, 5126.036, 5126.046, 5126.055, 5126.056, 5126.14, 5126.221, 5126.313, 5139.87, and 5153.06 be enacted; and section 1309.525 of the Revised Code contingently be enacted to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) ~~Not later than December 31, 1998, the~~ The department of rehabilitation and correction, by rule, shall adopt minimum criteria and specifications that a person or entity, other than a person or entity that satisfies the criteria set forth in division (A)(3)(a) of this section and subject to division (I) of this section, must satisfy in order to apply to operate and manage as a contractor pursuant to this section the initial intensive program

prison established pursuant to section 5120.033 of the Revised Code.

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

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

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

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

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

entity may revoke the contract at its discretion.

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

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

(5) A requirement that the contractor immediately report all 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.

(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;

(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;

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

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

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

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

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

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

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

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

(16) A statement that all documents and records relevant to the facility shall be maintained in the same manner required for, and subject to the same

laws, rules, and regulations as apply to, the records of the public entity;

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

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

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

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

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

(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:

(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;

(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;

(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;

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

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

(6) Approving inmates for work release;

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

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

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

the following:

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

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

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

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

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

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

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

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

(H) A contractor operating and managing a facility pursuant to a contract entered into under this section shall pay any inmate workers at the

facility at the rate approved by the public entity. Inmates working at the facility shall not be considered employees of the contractor.

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

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

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

(J) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Insuring the state and its officers and employees against liability resulting from any civil action, demand, or claim against the state or its officers and employees arising out of any act or omission of an officer or employee in the performance of ~~his~~ official duties, except acts and

omissions for which indemnification is prohibited under section 9.87 of the Revised Code;

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

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

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

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

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

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

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

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

(B) Except as otherwise provided in division (F) of this section, all meetings of any committee are declared to be public meetings open to the public at all times. The secretary assigned to the chairperson of the committee shall prepare, file, and maintain the minutes of every regular or special meeting of a committee. The committee, at its next regular or special meeting, shall approve the minutes prepared, filed, and maintained by the secretary, or, if the minutes prepared, filed, and maintained by the secretary

require correction before their approval, the committee shall correct and approve the minutes at the next following regular or special meeting. The committee shall make the minutes available for public inspection not later than seven days after the meeting the minutes reflect or not later than the committee's next regular or special meeting, whichever occurs first.

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

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

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

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

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

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the violation or threatened violation that was the

asis of the injunction, a well-informed committee reasonably would believe that the committee was not violating or threatening to violate this section;

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

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

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

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

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

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

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

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

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

(c) To discuss pending or proposed legislation.

(2) Meetings of a caucus.

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

Sec. 101.27. (A)(1) Every member of the senate, except the members elected president, president pro tempore, assistant president pro tempore, majority whip, minority leader, assistant minority leader, minority whip, and assistant minority whip, shall receive as compensation a salary of fifty-one thousand six hundred seventy-four dollars a year during the senator's term of

office. Every member of the house of representatives, except the members elected speaker, speaker pro tempore, majority floor leader, assistant majority floor leader, majority whip, assistant majority whip, minority leader, assistant minority leader, minority whip, and assistant minority whip, shall receive as compensation a salary of fifty-one thousand six hundred seventy-four dollars a year during the representative's term of office. Such salaries shall be paid in equal monthly installments during such term. All monthly payments shall be made on or before the fifth day of each month. Upon the death of any member of the general assembly during the member's term of office, any unpaid salary due such member for the remainder of the member's term shall be paid to the member's ~~dependent~~, surviving spouse, children, mother, or father, in the order in which the relationship is set forth in this section in monthly installments.

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

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

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

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

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

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

(5) If a member is absent without leave, or is not excused on the

member's return, there shall be deducted from the member's compensation twenty dollars for each day's absence.

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

(1) Three per cent;

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

(C) As used in this section:

(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.

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

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

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

(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;

(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;

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

(2) "Legislative staff" means the staff of the legislative service commission, ~~legislative budget office of the legislative service commission,~~ or any other legislative agency included in the legislative service

sion budget group.

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

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

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

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

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

- (a) Files it for introduction with the clerk of the senate or the clerk of the house of representatives, if it is a bill or resolution;
- (b) Presents it at a committee hearing or floor session, if it is an

amendment to a bill or resolution or is a substitute bill or resolution;

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

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

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

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

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

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

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

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

(a) The person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program, the person previously has been employed as a peace officer, the prior employment of the person as a peace officer contains no breaks in service of more than one year, and the person has successfully completed a firearms

requalification program under section 109.801 of the Revised Code.

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

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

(d) The person previously has been employed as a trooper of the state highway patrol, the prior employment as a trooper of the state highway patrol contains a break in service of one year or more and not more than four years, the person has received all updated training required by the house sergeant at arms, and the person has successfully completed a firearms requalification program under section 109.801 of the Revised Code.

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

(3) Any person who has been appointed as the sergeant at arms pursuant to division (B) of this section or as an assistant sergeant at arms pursuant to division (C) of this section on or after the first day of March 2000, and who has received a certificate of completion of basic training programs pursuant

to division (D) of section 109.75 of the Revised Code shall be considered a peace officer during the term of the person's appointment as the sergeant at arms or as an assistant sergeant at arms for the purposes of maintaining a current and valid basic training certificate pursuant to rules adopted under section 109.74 of the Revised Code.

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

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

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

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

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

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

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

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

(b) 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 a break in service that would require the house sergeant at arms to receive updated training by the Ohio peace officer training academy, the house sergeant at arms has received that updated training, and the house sergeant at arms has successfully completed a firearms requalification program under section 109.801 of the Revised Code.

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

(2) Assistant house sergeants at arms have 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.

(3) The jurisdiction of the house sergeant at arms, if the house sergeant at arms has arrest authority pursuant to division (E)(1) of this section, and of an assistant house sergeant at arms 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.

(4) If the house sergeant at arms has arrest authority pursuant to division (E)(1) of this section, the speaker of the house of representatives shall issue to the house sergeant at arms a commission indicating the sergeant at ~~arm's~~ arms's authority to make arrests as provided in this section. The speaker of the house of representatives, upon the recommendation of the house sergeant at arms, shall issue to each assistant house sergeant at arms a commission indicating the assistant sergeant at ~~arm's~~ arms's authority to make arrests as provided in this section. The speaker of the house of representatives shall furnish a suitable badge to the house sergeant at arms, if the house sergeant at arms has arrest authority under division (E)(1) of this section, and to each commissioned assistant house sergeant at arms as evidence of the sergeant at ~~arm's~~ arms's or assistant sergeant at ~~arm's~~ arms's authority.

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

In the first regular session of each general assembly, the speaker of the house of representatives shall appoint the chairperson of the committee from among the house members of the committee and the president of the senate

shall appoint the vice-chairperson of the committee from among the senate members of the committee. In the second regular session of each general assembly, the president of the senate shall appoint the chairperson of the committee from among the senate members of the committee and the speaker of the house of representatives shall appoint the vice-chairperson of the committee from among the house members of the committee. The chairperson, vice-chairperson, and members of the committee shall serve until their respective successors are appointed or until they are no longer members of the general assembly.

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

(B) The joint legislative ethics committee:

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

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

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

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

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

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

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

(8) Shall act as an advisory body to the general assembly and to

individual members, candidates, and employees on questions relating to ethics, possible conflicts of interest, and financial disclosure;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 101.691. (A) Either house of the general assembly or any legislative agency may dispose of any excess or surplus supplies that it possesses by sale, lease, donation, or other transfer, including, but not limited to, sale by public auction over the internet, as defined in section 341.42 of the Revised Code. 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 advocates in a fiduciary capacity as a representative of that state agency need not pay the registration fee prescribed by this division or file expenditure statements under section 101.73 of the Revised Code. As used in this division, "state agency" does not include a state institution of higher education as defined in section 3345.011 of the Revised Code.

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

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

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

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

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

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

- (a) The name of the public officer or employee to whom, at whose request, for whose benefit, or on whose behalf the expenditures were made;
- (b) The total amount of the expenditures made;
- (c) A brief description of the expenditures made;
- (d) The approximate date the expenditures were made;
- (e) The specific items of legislation, if any, for which the expenditures were made and the identity of the client on whose behalf each expenditure was made.

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

(3) If, during a reporting period covered by a statement, a legislative agent made expenditures as payment for meals and other food and beverages, other than for meals and other food and beverages provided to a member of the general assembly at a meeting at which the member participated in a panel, seminar, or speaking engagement or provided to a

member of the general assembly at a meeting or convention of a national organization to which ~~either house of the general assembly, any legislative agency, or any other~~ state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, that, when added to the amount of previous payments made for meals and other food and beverages by that legislative agent during that same calendar year, exceeded a total of fifty dollars to, at the request of, for the benefit of, or on behalf of any particular member of the general assembly, any particular member of the controlling board, the governor, the director of a department created under section 121.02 of the Revised Code, or any particular member of the staff of any of the public officers or employees listed in division (B)(3) of this section, then the legislative agent shall also state all of the following regarding those expenditures:

- (a) The name of the public officer or employee to whom, at whose request, for whose benefit, or on whose behalf the expenditures were made;
- (b) The total amount of the expenditures made;
- (c) A brief description of the expenditures made;
- (d) The approximate date the expenditures were made;
- (e) The specific items of legislation, if any, for which the expenditures were made and the identity of the client on whose behalf each expenditure was made.

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

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

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

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

members of either of the following:

- (1) The general assembly;
- (2) Either house of the general assembly.

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

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

(E) All legislative agents 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.

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

(2) If, during a reporting period covered by an expenditure statement filed under division (B)(2) of this section, an employer or any legislative agent ~~he~~ the employer engaged made, either separately or in combination with each other, either directly or indirectly, expenditures for transportation, lodging, or food and beverages purchased for consumption on the premises in which the food and beverages were sold to, at the request of, for the benefit of, or on behalf of any of the public officers or employees described in division (B)(2) of this section, the employer or legislative agent shall deliver to the public officer or employee a statement that contains all of the nondisputed information prescribed in division (B)(2)(a) through (e) of this section with respect to the expenditures described in division (F)(2) of this section. The statement of expenditures made under division (F)(2) of this section shall be delivered to the public officer or employee to whom, at whose request, for whose benefit, or on whose behalf those expenditures were made on the same day in which a copy of the expenditure statement or of a portion showing the expenditure is delivered to the public officer or

employee under division (F)(1) of this section. An employer is not required to show any expenditure on a statement delivered under division (F)(2) of this section if the expenditure is shown on a statement delivered under division (F)(2) of this section by a legislative agent engaged by the employer.

Sec. 102.02. (A) Except as otherwise provided in division (H) of this section, every person who is elected to or is a candidate for a state, county, or city office, or the office of member of the United States congress, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the chief executive officer of each state retirement system; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the tobacco use prevention and control foundation; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; members and the executive director of the biomedical research and technology transfer commission; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section shall file with the

appropriate ethics commission on a form prescribed by the commission, a statement disclosing all of the following:

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

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(a) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents as defined in section 101.70 of the Revised Code. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(b) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent, as defined in section 101.70 of the Revised Code, during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature 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 business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding

calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

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

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

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

(7) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from

a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

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

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement on or before the fifteenth day of April under division (A) of this section. The appropriate ethics commission

shall send the public officials or employees written notice of the requirement by the fifteenth day of February of each year the filing is required unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Except for disclosure statements filed by members of the board of trustees and the executive director of the tobacco use prevention and control foundation, members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation, and members and the executive director of the biomedical research and technology transfer commission, disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

(C) No person shall knowingly fail to file, on or before the applicable

filing deadline established under this section, a statement that is required by this section.

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

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

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

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

board, commission, or agency.

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

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

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

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

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

(B) No present or former public official or employee shall disclose or

use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code.

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

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

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and

improper influence upon the public official or employee with respect to that person's duties.

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

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 demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment,

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

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

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

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

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

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

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

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

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

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

(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~~ the member 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.

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

(1) An employee;

(2) A business associate;

(3) A person, other than an employee, who is hired under contract to perform certain services and such position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

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

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

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

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

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

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

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

(B) The commission shall investigate complaints, may investigate charges presented to it, and may request further information, including the specific amount of income from a source, from any person filing with the

commission a statement required by section 102.02 of the Revised Code, if the information sought is directly relevant to a complaint or charges received by the commission pursuant to this section. This information is confidential, except that the commission, at its discretion, may share information gathered in the course of any investigation with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate ethics commission. The person so requested shall furnish the information to the commission, unless within fifteen days from the date of the request the person files an action for declaratory judgment challenging the legitimacy of the request in the court of common pleas of the county of ~~his~~ the person's residence, ~~his~~ the person's place of employment, or Franklin county. The requested information need not be furnished to the commission during the pendency of the judicial proceedings. Proceedings of the commission in connection with the declaratory judgment action shall be kept confidential except as otherwise provided by this section. Before the commission proceeds to take any formal action against a person who is the subject of an investigation based on charges presented to the commission, a complaint shall be filed against the person. If the commission finds that a complaint is not frivolous, and there is reasonable cause to believe that the facts alleged in a complaint constitute a violation of section 102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a hearing. If the commission does not so find, 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 its finding. The person against whom the complaint is directed shall be given reasonable notice by certified mail of the date, time, and place of the hearing and a statement of the charges and the law directly involved and shall be given the opportunity to be represented by counsel, to have counsel appointed for ~~him~~ the person if ~~he~~ the person is unable to afford counsel without undue hardship, to examine the evidence against ~~him~~ the person, to produce evidence and to call and subpoena witnesses in ~~his~~ the person's defense, to confront ~~his~~ the person's accusers, and to cross-examine witnesses. The commission shall have a stenographic record made of the hearing. The hearing shall be closed to the public.

(C)(1)(a) If upon the basis of the hearing, the commission finds 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, 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 make the evidence and the record available for public inspection.

(D) The commission, or a member of the commission, may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The commission shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of these subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The commission or the accused person may take the depositions of

witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

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

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

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

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

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

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

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

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

If a local impact statement is required, the legislative ~~budget office~~ service commission shall, as soon as possible but no later than thirty days after the date the bill is scheduled for a first hearing in a committee in the house in which the bill was introduced or no later than thirty days after being requested to do so by the chairperson of such a committee, prepare a statement containing the most accurate estimate possible, in dollars, of the net additional costs, if any, that will be required of school districts, counties, townships, or municipal corporations to perform or administer a new or expanded program or service required under the bill. Copies of this

t shall be sent to the governor, the speaker of the house of representatives, the president of the senate, the sponsor of the bill, the minority leader in both houses, and the chairperson of the committee to which the bill has been assigned.

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

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

(1) An estimate, in dollars, of the amount by which the bill 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 the legislative service commission by the last day of August. The legislative ~~budget office~~ service commission shall then prepare a final report consisting of the compiled local impact statements and all forwarded comments ~~returned by the state and local government commission~~. The final report shall be completed by the last day of September and copies of the report shall be sent to the governor, the speaker of the house of representatives, and the president of the senate.

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

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

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

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

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

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

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

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

(F) This section does not apply to any of the following:

(1) The main biennial operating appropriations bill;

(2) The biennial operating appropriations bill for state agencies

supported by motor fuel tax revenue;

(3) The biennial operating appropriations bill or bills for the bureau of workers' compensation and the industrial commission;

(4) Any other bill that makes the principal biennial operating appropriations for one or more state agencies;

(5) The bill that primarily contains corrections and supplemental appropriations to the biennial operating appropriations bills;

(6) The main biennial capital appropriations bill;

(7) The bill that primarily contains reappropriations from previous capital appropriations bills.

Sec. 103.33. This section shall be known as "The Community Organizations Access Procedure Act."

Any state agency that is eligible to receive federal funds under a federal grant program and that cannot or has decided that it will not participate fully in the program shall promptly report both of the following to the joint legislative committee on federal funds:

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

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

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

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

1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F)(1) ~~The capitol square review and advisory board~~ shall lease capital facilities improved or financed by the Ohio building authority pursuant to

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

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

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

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

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

by the ~~capitol square review and advisory~~ board as follows:

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

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

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

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

(J) There is hereby created in the state treasury the capitol square improvement 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 ~~Governor's~~ governor's office:

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

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

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

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

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

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

(2) An abstract of requisition received, showing date of receipt, from what state or territory issued, the name of the alleged fugitive, the offense charged, whether a warrant was issued or refused, and if issued, to the sheriff of what county, or the reason for refusing to issue a warrant;.

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

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

(B) The state, through its authorized officials, shall contract with an advertising service provider for the purpose of the provider's leasing to

persons media space on state agency internet sites. The contract shall require the advertising service provider to do both of the following:

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

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

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

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

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

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

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

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

(c) Two cents for each share authorized in excess of ten thousand shares up to and including fifty thousand shares;

(d) One cent for each share authorized in excess of fifty thousand shares up to and including one hundred thousand shares;

(e) One-half cent for each share authorized in excess of one hundred thousand shares up to and including five hundred thousand shares;

(f) One-quarter cent for each share authorized in excess of five hundred thousand shares; provided no fee shall be less than ~~eighty-five~~ one hundred twenty-five dollars or greater than one hundred thousand dollars.

(B) For filing and recording a certificate of amendment to or amended articles of incorporation of a domestic corporation, or for filing and recording a certificate of reorganization, a certificate of dissolution, or an amendment to a foreign license application:

(1) If the domestic corporation is not authorized to issue any shares of capital stock, ~~twenty-five~~ fifty dollars;

(2) If the domestic corporation is authorized to issue shares of capital

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

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

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

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

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

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

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

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

apply:

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

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

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

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

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

(2) An annual report or annual statement pursuant to section 1775.63 or 1785.06 of the Revised Code, ~~ten~~ twenty-five dollars;

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

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

(K)~~(1)~~ For making copies of any certificate or other paper filed in the office of the secretary of state, ~~the cost shall a fee~~ not to exceed one dollar per page, except as otherwise provided in the Revised Code, 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;

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

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

(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~~ fifty dollars;

~~(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~~ Fifty dollars for filing and recording any of the following:

(1) A certificate of dissolution and accompanying documents, or a certificate of cancellation, under section 1701.86, 1702.47, 1705.43, or 1782.10 of the Revised Code;

(2) A notice of dissolution of a foreign licensed corporation or a certificate of surrender of license by a foreign licensed corporation under section 1703.17 of the Revised Code;

(3) The withdrawal of registration of a foreign or domestic limited liability partnership under section 1775.61 or 1775.64 of the Revised Code, or the certificate of cancellation of registration of a foreign limited liability company under section 1705.57 of the Revised Code;

(4) The filing of a cancellation of disclaimer of general partner status under Chapter 1782. of the Revised Code.

(O) Fees For filing a statement of continued existence by a nonprofit corporation, twenty-five dollars;

(P) For filing a restatement under section 1705.08 or 1782.09 of the Revised Code, an amendment to a certificate of cancellation under section 1782.10 of the Revised Code, an amendment under section 1705.08 or 1782.09 of the Revised Code, or a correction under section 1705.55, 1775.61, 1775.64, or 1782.52 of the Revised Code, fifty dollars;

(Q) For filing for reinstatement of an entity cancelled by operation of law, by the secretary of state, by order of the department of taxation, or by order of a court, twenty-five dollars;

(R) For filing a change of agent, resignation of agent, or change of agent's address under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, or 1782.04 of the Revised Code, twenty-five dollars;

(S) For filing and recording any of the following:

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

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

(3) An application to renew any item covered by division (S)(1) or (2) of this section that is permitted to be renewed, twenty-five dollars;

(4) An assignment of rights for use of a name covered by division (S)(1), (2), or (3) of this section, the cancellation of a name registration or name reservation that is so covered, or notice of a change of address of the

registrant of a name that is so covered, twenty-five dollars.

(T) For filing and recording a report to operate a business trust or a real estate investment trust, either foreign or domestic, one hundred twenty-five dollars; and for filing and recording an amendment to a report or associated trust instrument, or a surrender of authority, to operate a business trust or real estate investment trust, fifty dollars;

(U)(1) For filing and recording the registration of a trademark, service mark, or mark of ownership, one hundred twenty-five dollars;

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

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

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

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

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

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

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

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

~~(B) The secretary of state may implement a credit card payment program permitting payment of any fee charged by the secretary of state by means of a credit card. The secretary of state may open an account outside the state treasury in a financial institution for the purpose of depositing credit card receipts. Within forty eight hours following the deposit of the receipts, the financial institution shall make available to the secretary of state funds in the amount of the receipts. The secretary of state shall then pay these funds into the state treasury to the credit of the general revenue fund, except as otherwise provided by the Revised Code.~~

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

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

The secretary of state may implement alternative payment programs that permit payment of any fee charged by the secretary of state by means other than cash, check, money order, or credit card; an alternative payment program may include, but is not limited to, one that permits a fee to be paid by electronic means of transmission. Fees paid under an alternative payment program shall be deposited to the credit of the secretary of state alternative payment program fund, which is hereby created. The secretary of state alternative payment program fund shall be in the custody of the treasurer of state but shall not be part of the state treasury. Any investment income of the secretary of state alternative payment program fund shall be credited to that fund and used to operate the alternative payment program. Within two working days following the deposit of funds to the credit of the secretary of state alternative payment program fund, the secretary of state shall pay those funds into the state treasury to the credit of the corporate and uniform commercial code filing fund, 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 filing, a method for providing large amounts of information. The secretary of state may charge and collect fees for filings made through a bulk filing service at reduced amounts from those otherwise specified in or authorized by the Revised Code.

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

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

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

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

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

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

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

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

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

Sec. 118.08. (A) The members of the financial planning and supervision commission shall serve without compensation, but shall be paid by the

commission their necessary and actual expenses incurred while engaged in the business of the commission.

(B) All expenses incurred for services rendered by the financial supervisor for a period of twenty-four months shall be paid by the commission pursuant to an appropriation made by the general assembly for this purpose. Expenses incurred for services rendered by the financial supervisor beyond this period shall be borne by the municipal corporation, county, or township unless the 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 than eight fiscal years for any municipal corporation, county, or township declared to be in a fiscal emergency prior to fiscal year 1996, that municipal corporation, county, or township is responsible for fifty per cent of the compensation due in its ninth fiscal year ~~2000~~ while in fiscal emergency and one hundred per cent of the compensation due in its tenth fiscal year ~~2001~~ and every fiscal year thereafter while in fiscal emergency.

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

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

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

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

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

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

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

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

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

(D) When the state public defender is designated by the court or

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

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

employees of the commission or the state public defender, or attorneys described in division (C) of section 120.41 of the Revised Code in the civil action or proceeding.

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

(i) The private legal counsel shall file with the attorney general a copy of the contract; a request for an award of legal fees, court costs, and expenses earned or incurred in connection with the defense of the Ohio public defender commission, the state public defender, an assistant state public defender, an employee, or an attorney in a specified civil action or proceeding; a written itemization of those fees, costs, and expenses, including the signature of the state public defender and the state public defender's attestation that the fees, costs, and expenses were earned or incurred pursuant to division (E)(1) of this section to the best of the state public defender's knowledge and information; a written statement whether the fees, costs, and expenses are for all legal services to be rendered in connection with that defense, are only for legal services rendered to the date of the request and additional legal services likely will have to be provided in connection with that defense, or are for the final legal services rendered in connection with that defense; a written statement indicating whether the private legal counsel previously submitted a request for an award under division (E)(2) of this section in connection with that defense and, if so, the date and the amount of each award granted; and, if the fees, costs, and expenses are for all legal services to be rendered in connection with that defense or are for the final legal services rendered in connection with that defense, a certified copy of any judgment entry in the civil action or proceeding or a signed copy of any settlement agreement entered into between the parties to the civil action or proceeding.

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

represent legal fees, court costs, and expenses; specify any limitation applied pursuant to division (E)(2)(b) of this section to reduce the amount of the award sought by the private legal counsel; state that the award is payable from the state treasury pursuant to division (E)(2)(a)(iii) of this section; and be approved by the inclusion of the signatures of the attorney general, the state public defender, and the private legal counsel.

(iii) The attorney general shall forward a copy of the document prepared pursuant to division (E)(2)(a)(ii) of this section to the director of budget and management. The award of legal fees, court costs, or expenses shall be paid out of the state public defender's appropriations, to the extent there is a sufficient available balance in those appropriations. If the state public defender does not have a sufficient available balance in the state public defender's appropriations to pay the entire award of legal fees, court costs, or expenses, the director shall make application for a transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies in an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations. A transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests, or requests for releases from the other appropriation. If a transfer of appropriations out of the emergency purposes account or other appropriation for emergencies or contingencies is made to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the director shall cause the payment to be made to the private legal counsel. If sufficient moneys do not exist in the emergency purposes account or other appropriation for emergencies or contingencies to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the private legal counsel shall request the general assembly to make an appropriation sufficient to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, and no payment in that amount shall be made until the appropriation has been made. The private legal counsel shall make the request during the current biennium and during each succeeding biennium until a sufficient appropriation is made.

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

(i) The maximum award or maximum aggregate of a series of awards of

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

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

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

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

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

(F) If a court appoints the office of the state public defender to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, all of the attorneys who represent the

petitioner in the proceeding pursuant to the appointment, whether an assistant state public defender, the state public defender, or another attorney, shall be certified under Rule ~~65~~ 20 of the Rules of Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed.

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

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

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

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

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

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

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

(G) If a court appoints the office of the county public defender to represent a petitioner in a postconviction relief proceeding under section

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

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

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

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

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

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

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

(F) Information as to the right to legal representation by the joint county public defender or assigned counsel shall be afforded to an accused person

immediately upon arrest, when brought before a magistrate, or when formally charged, whichever occurs first.

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

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

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

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

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

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

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

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

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

(4) Counsel selected by the indigent person or appointed by the court at the request of an indigent person in a county that adopts a resolution to pay counsel, except for counsel appointed to represent a person charged with any violation of an ordinance of a municipal corporation that has not contracted with the county commissioners for the payment of appointed counsel, shall be paid by the county and shall receive the compensation and expenses the court approves. Each request for payment shall be accompanied by a financial disclosure form and an affidavit of indigency that are completed by the indigent person on forms prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners in the schedule adopted pursuant to division (A)(3) of this section. No court 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 disclosure form and an affidavit of indigency completed by the indigent person on forms prescribed by the state public defender, the state public defender shall not pay the requested reimbursement. If a request for the reimbursement of the cost of counsel in any case is not received by the state public defender within ninety days after the end of the calendar month in which the case is finally disposed of by the court, unless the county has requested and the state public defender has granted an extension of the ninety-day limit, the state public defender shall not pay the requested reimbursement. The state public defender shall also review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, prepare a voucher for fifty per cent of the total cost of each county appointed counsel system in the period of time covered by the certified report and a voucher for fifty per cent of the costs and expenses that are reimbursable under section 120.35 of the Revised Code, if any, or, if the amount of money appropriated by the general assembly to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems is not sufficient to pay fifty per cent of the total cost of all of the offices and systems other than costs and expenses that are reimbursable under section 120.35 of the Revised Code, for the lesser amount required by section 120.34 of the Revised Code.

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

(B) In lieu of using a county public defender or joint county public defender to represent indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, and in lieu of adopting the resolution and following the procedure described in division (A) of this section, the board of county commissioners of any county may contract with

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

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

Sec. 121.40. (A) There is hereby created the ~~governor's~~ Ohio community service council consisting of twenty-one members including the superintendent of public instruction or the superintendent's designee, the chancellor of the Ohio board of regents or the chancellor's designee, the director of natural resources or the director's designee, the director of youth services or the director's designee, the director of aging or the director's designee, the director of job and family services or the director's designee, the chairperson of the committee of the house of representatives dealing with education or the chairperson's designee, the chairperson of the committee of the senate dealing with education or the chairperson's designee, and thirteen members who shall be appointed by the governor with the advice and consent of the senate and who shall serve terms of office of three years. The appointees shall include educators, including teachers and administrators; representatives of youth organizations; students and parents; representatives of organizations engaged in volunteer program development and management throughout the state, including youth and conservation programs; and representatives of business, government, nonprofit organizations, social service agencies, veterans organizations, religious organizations, or philanthropies that support or encourage volunteerism within the state. Members of the council shall receive no compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

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

The responsibilities assigned to the executive director do not relieve the

members of the council from final responsibility for the proper performance of the requirements of this ~~division~~ section.

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

(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.

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

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

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

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

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

(7) Assist in coordinating and preparing the state application for funds under sections 101 to 184 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 12411 to 12544, ~~and amendments thereto~~ as amended, assist in administering and overseeing the "National and Community Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the americorps program in this state, and assist in developing objectives for a comprehensive strategy to encourage and expand

community service programs throughout the state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The council shall follow all state procurement requirements.

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

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

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

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

(2) If, during a reporting period covered by a statement, an employer or any executive agency lobbyist ~~he~~ the employer engaged made, either separately or in combination with each other, expenditures to, at the request of, for the benefit of, or on behalf of a particular elected executive official, the director of a department created under section 121.02 of the Revised Code, a particular executive agency official, or a particular member of the

staff of any public officer listed in division (B)(2) of this section, the employer or executive agency lobbyist also shall state the name of the public officer or employee to whom, at whose request, for whose benefit, or on whose behalf the expenditures were made, the total amount of the expenditures made, a brief description of the expenditures made, the approximate date the expenditures were made, the executive agency decision, if any, sought to be influenced, and the identity of the client on whose behalf the expenditure was made.

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

(3) If, during a reporting period covered by a statement, an executive agency lobbyist made expenditures as payment 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 organization to which ~~either house of the general assembly, any legislative agency, or any other state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code,~~ pays membership dues, that, when added to the amount of previous payments made for meals and other food and beverages by that executive agency lobbyist during that same calendar year, exceeded a total of fifty dollars to, at the request of, for the benefit of, or on behalf of a particular elected executive official, the director of a department created under section 121.02 of the Revised Code, a particular executive agency official, or any particular member of the staff of any of the public officers or employees listed in division (B)(3) of this section, then the executive agency lobbyist shall also state regarding those expenditures the name of the public officer or employee to whom, at whose request, for whose benefit, or on whose behalf the expenditures were made, the total amount of the expenditures made, a brief description of the expenditures made, the approximate date the expenditures were made, the executive agency decision, if any, sought to be influenced, and the identity of the client on whose behalf the expenditure was made.

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

decisions or conduct executive agency lobbying activity.

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

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

(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.

(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.

(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.

(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 shall deliver to the public officer or employee a statement that contains all of the nondisputed information prescribed in division (B)(2) of this section with respect to the expenditures described in division (G)(2) of this section. The statement of expenditures made under division (G)(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

y of the expenditure statement or of a portion showing the expenditure is delivered to the public officer or employee under division (G)(1) of this section. An employer is not required to show any expenditure on a statement delivered under division (G)(2) of this section if the expenditure is shown on a statement delivered under division (G)(2) of this section by a legislative agent engaged by the employer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and such other criteria reasonably related to the foregoing that relate to the ability of the corporation to act as a qualified agent for the purposes of sections ~~135.54~~ 135.81 to 135.88 of the Revised Code.

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

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

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

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

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

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

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

(2) "Owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in division (E)(1) of this section, and that those owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of

ownership. In order to qualify as a minority business enterprise, a business shall have been owned and controlled by those persons at least one year prior to being awarded a contract pursuant to this section.

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

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

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

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

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

(1) The project is economically sound and will benefit the people of the state by increasing opportunities for employment, by strengthening the economy of the state, or expanding minority business enterprises;

(2) The proposed minority business enterprise borrower is unable to finance the proposed project through ordinary financial channels at comparable terms;

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

(4) The amount to be loaned by the director will not exceed sixty per cent of the total amount expended in the procurement or improvement of the project;

(5) The amount to be loaned by the director will be adequately secured by a first or second mortgage upon the project; or by mortgages, leases, liens, assignments, or pledges on or of other property or contracts as the director requires, and ~~that~~ such mortgage will not be subordinate to any

other liens or mortgages except the liens securing loans or investments made by financial institutions referred to in division (A)(3) of this section, and the liens securing loans previously made by any financial institution in connection with the procurement or expansion of all or part of a project.

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

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

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

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

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

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

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

(D) Participate with other state departments and agencies as appropriate in developing specific plans and specific program goals for programs to assist in the establishment and development of minority business enterprises and establish regular performance monitoring and reporting systems to

ensure that those goals are being achieved;

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

(F) Assist in the coordination of activities and resources of state agencies and local governments, business and trade associations, universities, foundations, professional organizations, and volunteer and other groups, to promote the growth of minority business enterprises;

(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 improvement corporations, and incubator business entities, if the entities or corporations focus on business, technical, and financial assistance to minority business enterprises to assist the enterprises with fixed asset financing;

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

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

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

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

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

plan of benefits, provided that:

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

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

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

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

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

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

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

(E) This section does not prohibit the state office of collective bargaining from entering into an agreement with an employee representative for the purposes of providing fringe benefits, including, but not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, prescription drugs, group life insurance, sickness and accident insurance, group legal services or other benefits, or any combination thereof, to employees paid directly by warrant of the auditor of state through a jointly administered trust fund. The employer's contribution for the cost of the benefit care shall be mutually agreed to in the collectively bargained agreement. The amount, type, and structure of fringe benefits provided under this division is subject to the determination of the board of trustees of the jointly administered trust fund.

Notwithstanding any other provision of the Revised Code, competitive bidding does not apply to the purchase of fringe benefits for employees under this division when such benefits are provided through a jointly administered trust fund.

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

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

- (1) State board of examiners of architects;
- (2) Barber board;
- (3) State chiropractic board;
- (4) State board of cosmetology;
- (5) Accountancy board;
- (6) State dental board;
- (7) State board of optometry;
- (8) Ohio occupational therapy, physical therapy, and athletic trainers board;
- (9) State board of registration for professional engineers and surveyors;
- (10) State board of sanitarian registration;
- (11) Board of embalmers and funeral directors;
- (12) State board of psychology;
- (13) Ohio optical dispensers board;
- (14) Board of speech pathology and audiology;
- (15) Counselor and social worker board;
- (16) State veterinary medical licensing board;
- (17) Ohio board of dietetics;
- (18) Commission on Hispanic-Latino affairs;
- (19) Ohio respiratory care board;
- (20) Ohio commission on African-American males.

(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:

- (a) Preparing and processing payroll and other personnel documents;
- (b) Preparing and processing vouchers, purchase orders, encumbrances,

and other accounting documents;

(c) Maintaining ledgers of accounts and balances;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Promptly after each sale of those obligations: final terms, including a

maturity schedule; names of the original purchasers or underwriters; a copy of the complete continuing disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent rule as from time to time in effect; and any other pertinent information requested by the director.

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

(B) Issuers of obligations pursuant to section 3318.085 or Chapter ~~422~~, ~~166~~, 175., ~~3345~~, ~~3347~~, 3366., ~~3377~~, 3706., 3737., 5537., 6121., or 6123. of the Revised Code, ~~and issuers of securities issued pursuant to Chapter 165. of the Revised Code other than a county or municipal corporation~~, shall submit to the director copies of the preliminary and final offering documents upon their availability if not previously submitted pursuant to division (A) of this section.

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

(D)(1) Information relating generally to the historic, current, or future demographics or economy or financial condition or funds or general operations of the state, and descriptions of any state contractual obligations relating to public obligations, to be contained in any offering document, continuing disclosure document, or written presentation prepared, approved, or provided, or committed to be provided, by an issuer in connection with the original issuance and sale of, or rating, remarketing, or credit enhancement facilities relating to, public obligations referred to in division (A) of this section shall be approved as to format and accuracy by the director before being presented, published, or 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, draft, or final form or publicly filed in paper, electronic, or other format. The director shall be responsible for making all filings in compliance with those requirements relating to direct obligations of the state, including fractionalized interests in those obligations.

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

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

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

(G) As used in this section, "credit enhancement facilities," "debt charges," "fractionalized interests in public obligations," "obligor," "public

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

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

- (1) Keep all necessary accounting records;
- (2) Prescribe and maintain the accounting system of the state and establish appropriate accounting procedures and charts of accounts;
- (3) Establish procedures for the use of written, electronic, optical, or other communications media for approving payment vouchers;
- (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.
- (5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies;
- (6) Authorize the establishment of petty cash accounts. The director of budget and management may withdraw approval for any petty cash account and require the officer in charge to return to the state treasury any unexpended balance shown by the officer's accounts to be on hand. Any officer who is issued a warrant for petty cash shall render a detailed account of the expenditures of the petty cash and shall report when requested the balance of petty cash on hand at any time.
- (7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements;
- (8) Perform extensions, reviews, and compliance checks prior to approving a payment as the director considers necessary;
- (9) Issue the official comprehensive annual financial report of the state. The report shall cover all funds ~~and account groups~~ of the state reporting entity and shall include ~~general purpose~~ basic financial statements and required supplementary information prepared in accordance with generally

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

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

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

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

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

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

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

(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 the board considers appropriate.

(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;

(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;

(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;

(10) Applying to any agency of the legislative branch of the state government;

(11) Applying to agreements or contracts entered into under section 5101.11, 5101.21, or 5101.211 of the Revised Code;

(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;

(13) Applying to dues or fees paid for membership in an organization or association;

(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;

(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;

(16) Applying to purchases of tickets for passenger air transportation;

(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;

(18) Applying to the judicial branch of state government;

(19) Applying to purchases of liquor for resale by the division of liquor control;

(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;

(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;

(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;

(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;

(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;

(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;

(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;

(27) Applying to contracts entered into by the department of mental

retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

(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.

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:

(A) "Account" 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.

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

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

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

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

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

(G) "Assets" means resources owned, controlled, or otherwise used or held by the state which have monetary value.

(H) "Budget" means the plan of financial operation embodying an estimate of proposed expenditures and obligations for a given period and the proposed means of financing them.

(I) "Direct deposit" is a form of electronic funds transfer in which money is electronically deposited into the account of a person or entity at a financial institution.

(J) "Disbursement" means a payment made for any purpose.

(K) "Electronic benefit transfer" means the electronic delivery of benefits through automated teller machines, point of sale terminals, or other electronic media pursuant to section 5101.33 of the Revised Code.

(L) "Electronic funds transfer" means the electronic movement of funds via automated clearing house or wire transfer.

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

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

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

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

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

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

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

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

Sec. 133.021. The general assembly hereby finds and declares that the "Tax Reform Act of 1986" (the "Act") establishes a unified volume ceiling on the aggregate amount of private activity bonds ~~which that~~ can be issued in each state. ~~The amount of the unified volume ceiling is the product of seventy five dollars multiplied by the state population in 1987 and fifty dollars multiplied by the state population in each succeeding calendar year shall be the amount determined as set forth in section 146(d) of the Internal Revenue Code.~~

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

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

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

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

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

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

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

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

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

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

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

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

(D) To provide for the orderly and prompt issuance of private activity bonds, the committee is authorized to allocate the 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 the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least thirty days prior to the election at which the question is to be submitted, except that the superintendent of public instruction and the tax commissioner may waive this thirty-day deadline or grant their consents after the election if the school district shows good cause for such waiver or consent after the election.

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

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

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

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

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

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

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

(7) Debt incurred under section 3318.041 of the Revised Code.

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(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.

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

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

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

(c) The projected needs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e Revised Code;

(d) The board of education shall then certify its resolution 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 nine-tenths of one per cent of its tax valuation for the purpose of making such installations, modifications, or remodeling, but the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code shall not exceed one per cent of the district's tax valuation.

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

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

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

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

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

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

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

superintendent of public instruction whenever a school district will exceed the nine per cent limit pursuant to this division.

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

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

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

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

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

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

(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.

(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:

(1) Securities described in section 307.201 of the Revised Code;

(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:

(a) Water systems or facilities;

(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;

(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;

(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;

(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;

(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;

(g) Facilities for natural resources exploration, development, recovery, use, and sale;

(h) Correctional and detention facilities and related rehabilitation facilities.

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

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

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

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

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

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

(9) Securities issued for the acquisition, construction, equipping, or

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

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

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

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

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

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

(15) Securities issued under section 755.17 of the Revised Code if the legislation authorizing issuance of the securities includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code;

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

(17) Bonds or notes issued under section 133.60 of the Revised Code if the legislation authorizing issuance of the bonds or notes includes a

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

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

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

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

Sec. 135.80. (A) The legislative authority of a municipal corporation, by ordinance, or the board of county commissioners, by resolution, may establish a linked deposit program authorizing the treasurer or governing board of the municipal corporation or the investing authority of the county as created or designated by the ordinance or resolution to place certificates of deposit at up to three per cent below market rates with an eligible lending institution applying for interim moneys as provided in section 135.08 of the Revised Code or inactive moneys as provided in section 135.32 of the Revised Code, provided the institution agrees either to lend the value of such deposit to eligible borrowers at up to three per cent below the present borrowing rate applicable to each borrower, or to enter into an agreement with an eligible government, as defined in section 135.81 of the Revised Code, to provide that eligible government with a certificate of deposit, investment agreement, or other investment in the value of the linked deposit at an interest rate at up to three per cent above current market rates, as determined by the eligible government. The ordinance or resolution shall include such requirements and provisions as are necessary to establish the program, including, but not limited to:

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

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

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

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

program;

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

(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:

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

(2) Is organized for profit.

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

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

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

- (1) Is eligible to make commercial loans;
- (2) Is a public depository of state funds under section 135.03 of the Revised Code;
- (3) Agrees to participate in the depressed economic area linked deposit program.

~~(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 the residents of those areas to enjoy the same level of prosperity and well being that other residents of the state are able to enjoy. Accordingly, it is declared to be the public policy of the state through the depressed economic area linked deposit program to create an availability of lower cost funds to inject needed capital into the business community, sustain or improve business profitability, preserve existing employment and create new job opportunities, and thereby enhance the economic prosperity of the affected areas.

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

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

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

(B) The amounts the treasurer is authorized to invest pursuant to

division (A) of this section are in addition to the amounts the treasurer may invest pursuant to section 135.63 of the Revised Code.

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

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

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

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

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

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

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

(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;

(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.

(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.

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

(D) The board of county commissioners, in lieu of directly operating the depressed economic area linked deposit loan program for the county, may appoint a qualified agent upon terms as are agreed to between the board and the agent. Where the board 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 loan from an eligible lending institution up to fifty per cent of which is a depressed economic area linked deposit reduced rate loan, shall make application to the institution upon such forms as the institution requires. The business shall certify on its loan application that the total loan will be used exclusively to preserve existing jobs or employment opportunities or create new jobs and will materially contribute to the preservation or expansion of the business.

Whoever knowingly makes a false statement concerning such application is guilty of the offense of falsification under section 2921.13 of the Revised Code. In making its decision with respect to a loan application, the eligible lending institution shall apply all usual lending institution standards to determine the creditworthiness of each eligible business.

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

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

(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 loan, the economic needs of the area where the business or eligible government is located, and the ratio of state funds to be deposited with the eligible lending institution to the jobs sustained or created. The treasurer also shall consider any reports, statements, or plans applicable to the business or eligible government, the overall financial need of the business or eligible government, and such other factors as the treasurer considers appropriate. Whenever the department of development believes that the economic needs of a county or the state require the suspension or redirection of depressed economic area linked deposits with respect to a county or that a linked deposit loan will be improperly made, it may make such recommendations to the treasurer of state as the department considers appropriate to its concerns.

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

(C) The eligible lending institution shall enter into a depressed economic area linked deposit agreement with the treasurer of state which shall include requirements necessary to carry out the purposes of sections 135.81 to 135.88 of the Revised Code. The requirements shall include an agreement by the eligible lending institution either to lend the value of the depressed economic area linked deposit to eligible businesses at a rate of up to three per cent below the present borrowing rate applicable to each specific business in the loan package, or to enter into an agreement with an eligible government to provide that eligible government with an above-market investment in the value of the depressed economic area linked deposit. The requirements also shall reflect the market conditions prevailing in the eligible lending institution's lending area. The agreement may include a specification of the period of time in which the lending institution is to lend funds or to provide an above-market investment upon the placement of the linked deposit and shall include provisions for the certificates of deposit to be placed for any maturity considered appropriate by the treasurer of

state, not to exceed two years. Certificates of deposit may be renewed for additional periods not to exceed two years at the option of the treasurer of state. Interest shall be paid at the times determined by the treasurer of state.

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

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

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

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

Annually, by the first day of February, the treasurer of state shall report on the depressed economic area linked deposit program for the preceding calendar year to the governor, the speaker of the house of representatives, the president of the senate, and to the ~~chairmen~~ chairpersons of the standing committees in each house that customarily consider economic development

legislation. The report shall set forth the depressed economic area linked deposits made by the treasurer of state under the program during the prior calendar year and shall include information regarding the nature, terms, and amounts of the loans upon which the deposits were based and the eligible businesses and eligible governments to which ~~loans were made~~ financial assistance was provided.

Sec. 140.01. As used in this chapter:

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

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

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

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

(E) "Hospital facilities" means buildings, structures and other improvements, additions thereto and extensions thereof, furnishings, equipment, and real estate and interests in real estate, used or to be used for or in connection with one or more hospitals, emergency, intensive, intermediate, extended, long-term, or self-care facilities, diagnostic and treatment and out-patient facilities, facilities related to programs for home health services, clinics, laboratories, public health centers, research

facilities, and rehabilitation facilities, for or pertaining to diagnosis, treatment, care, or rehabilitation of sick, ill, injured, infirm, impaired, disabled, or handicapped persons, or the prevention, detection, and control of disease, and also includes education, training, and food service facilities for health professions personnel, housing facilities for such personnel and their families, and parking and service facilities in connection with any of the foregoing; and includes any one, part of, or any combination of the foregoing; and further includes site improvements, utilities, machinery, facilities, furnishings, and any separate or connected buildings, structures, improvements, sites, utilities, facilities, or equipment to be used in, or in connection with the operation or maintenance of, or supplementing or otherwise related to the services or facilities to be provided by, any one or more of such hospital facilities.

(F) "Costs of hospital facilities" means the costs of acquiring or constructing hospital facilities, costs of improving one or more hospital facilities, including reconstructing, rehabilitating, remodeling, renovating, and enlarging, costs of equipping and furnishing such facilities, and all financing costs pertaining thereto, including, without limitation thereto, costs of engineering, architectural, and other professional services, designs, plans, specifications and surveys, and estimates of cost, costs of tests and inspections, the costs of any indemnity or surety bonds and premiums on insurance, all related direct or allocable administrative expenses pertaining thereto, fees and expenses of trustees, depositories, and paying agents for the obligations, cost of issuance of the obligations and financing charges and fees and expenses of financial advisors, attorneys, accountants, consultants and rating services in connection therewith, capitalized interest on the obligations, amounts necessary to establish reserves as required by the bond proceedings, the reimbursement of all moneys advanced or applied by the hospital agency or others or borrowed from others for the payment of any item or items of costs of such facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to such facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of such facilities, the financing thereof, and the placing of the same in use and operation, including any one, part of, or combination of such classes of costs and expenses, and means the costs of refinancing obligations issued by, or reimbursement of money advanced by, nonprofit hospital agencies or others the proceeds of which were used for the payment of costs of hospital facilities, if the governing body of the public hospital agency determines

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

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

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

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

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

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

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

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

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

- (1) A hospital required to be certified by section 3727.02 of the Revised Code;
- (2) A nursing home or residential care facility;
- (3) An adult care facility;
- (4) A hospice licensed under section 3712.04 of the Revised Code;
- (5) A habilitation center as defined in section 5123.041 of the Revised Code;

Code;

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

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

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

(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;

(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.

Sec. 145.01. As used in this chapter:

(A) "Public employee" means:

(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, 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.

(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.

(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.

(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 membership was established in the public employees retirement system, at the rate in effect at the time of payment, and the employer has made payment of the corresponding full liability as provided by section 145.44 of the Revised Code. "Prior service"

also means all service credited for active duty with the armed forces of the United States as provided in section 145.30 of the Revised Code.

If an employee who has been granted prior service credit by the public employees retirement system for service rendered prior to January 1, 1935, as an employee of a board of education establishes, before retirement, one year or more of contributing service in the state teachers retirement system or school employees retirement system, then the prior service ceases to be the liability of this system.

If the board determines that a position of any member in any calendar year prior to January 1, 1935, was a part-time position, the board shall determine what fractional part of a year's credit shall be allowed by the following formula:

(1) When the member has been either elected or appointed to an office the term of which was two or more years and for which an annual salary is established, the fractional part of the year's credit shall be computed as follows:

First, when the member's annual salary is one thousand dollars or less, the service credit for each such calendar year shall be forty per cent of a year.

Second, for each full one hundred dollars of annual salary above one thousand dollars, the member's service credit for each such calendar year shall be increased by two and one-half per cent.

(2) When the member is paid on a per diem basis, the service credit for any single year of the service shall be determined by using the number of days of service for which the compensation was received in any such year as a numerator and using two hundred fifty days as a denominator.

(3) When the member is paid on an hourly basis, the service credit for any single year of the service shall be determined by using the number of hours of service for which the compensation was received in any such year as a numerator and using two thousand hours as a denominator.

(F) "Contributor" means any person who has an account in the employees' savings fund created by section 145.23 of the Revised Code. When used in the sections listed in division (B) of section 145.82 of the Revised Code, "contributor" includes any person participating in a plan established under section 145.81 of the Revised Code.

(G) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a member, contributor, or retiree, qualify for or are receiving some right or benefit under this chapter.

(H)(1) "Total service credit," except as provided in section 145.37 of the Revised Code, means all service credited to a member of the retirement

system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's prior service credit; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. In addition, "total service credit" includes any period, not in excess of three years, during which a member was out of service and receiving benefits under Chapters 4121. and 4123. of the Revised Code. For the exclusive purpose of satisfying the service credit requirement and of determining eligibility for 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 respective funds and accounts as the public employees retirement board may determine from

time to time.

(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's individual account in the employees' savings fund together with any interest credited to the contributor's account under section 145.471 or 145.472 of the Revised Code.

(K)(1) "Final average salary" means the quotient obtained by dividing by three the sum of the three full calendar years of contributing service in which the member's earnable salary was highest, except that if the member has a partial year of contributing service in the year the member's employment terminates and the member's earnable salary for the partial year is higher than for any comparable period in the three years, the member's earnable salary for the partial year shall be substituted for the member's earnable salary for the comparable period during the three years in which the member's earnable salary was lowest.

(2) If a member has less than three years of contributing service, the member's final average salary shall be the member's total earnable salary divided by the total number of years, including any fraction of a year, of the member's contributing service.

(3) For the purpose of calculating benefits payable to a member qualifying for service credit under division (Z) of this section, "final average salary" means the total earnable salary on which contributions were made divided by the total number of years during which contributions were made, including any fraction of a year. If contributions were made for less than twelve months, "final average salary" means the member's total earnable salary.

(L) "Annuity" means payments for life derived from 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.

(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.

(N)(1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code.

(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.

(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.

(4) "Disability benefit recipient" means a member who is receiving a disability benefit.

(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.

(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.

(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.

(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;

(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;

(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;

(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;

(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;

(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;

(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;

(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;

(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.

(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.

(S) "Pension 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 retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.

(T)(1) "Contributing service" means all service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed by the following formula:

(a) For each month for which the member's earnable salary is two hundred fifty dollars or more, allow one month's credit.

(b) For each month for which the member's earnable salary is less than two hundred fifty dollars, allow a fraction of a month's credit. The numerator of this fraction shall be the earnable salary during the month, and the denominator shall be two hundred fifty dollars, except that if the member's annual earnable salary is less than six hundred dollars, the member's credit shall not be reduced below twenty per cent of a year for a calendar year of employment during which the member worked each month. Division (T)(1)(b) of this section shall not reduce any credit earned before January 1, 1985.

(2) Notwithstanding division (T)(1) of this section, an elected official who prior to January 1, 1980, was granted a full year of credit for each year of service as an elected official shall be considered to have earned a full year of credit for each year of service regardless of whether the service was full-time or part-time. The public employees retirement board has no authority to reduce the credit.

(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.

(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.34, and 145.46 of the Revised Code.

(W) "Employer contribution" means the amount paid by an employer as determined under section 145.48 of the Revised Code.

(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs first.

(Y) When a member has been elected or appointed to an office, the term of which is two or more years, for which an annual salary is established, and in the event that the salary of the office is increased and the member is

enied the additional salary by reason of any constitutional provision prohibiting an increase in salary during a term of office, the member may elect to have the amount of the member's contributions calculated upon the basis of the increased salary for the office. At the member's request, the board shall compute the total additional amount the member would have contributed, or the amount by which each of the member's 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, 1965, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state; any person who is or has been commissioned and employed as a peace officer by the sheriff of any county since January 1, 1966, and who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code and whose primary duties are to

preserve the peace, protect life and property, and enforce the laws of this state; or any person deputized by the sheriff of any county and employed pursuant to section 2301.12 of the Revised Code as a criminal bailiff or court constable who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state.

(BB) "Township constable or police officer in a township police department or district" means any person who is commissioned and employed as a full-time peace officer pursuant to Chapter 505. or 509. of the Revised Code, who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code, and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state.

(CC) "Drug agent" means any person who is either of the following:

(1) Employed full-time as a narcotics agent by a county narcotics agency created pursuant to section 307.15 of the Revised Code and has received a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code;

(2) Employed full-time as an undercover drug agent as defined in section 109.79 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(DD) "Department of public safety enforcement agent" means a full-time employee of the department of public safety who is designated under section 5502.14 of the Revised Code as an enforcement agent and who is in compliance with section 109.77 of the Revised Code.

(EE) "Natural resources law enforcement staff officer" means a full-time employee of the department of natural resources who is designated a natural resources law enforcement staff officer under section 1501.013 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(FF) "Park officer" means a full-time employee of the department of natural resources who is designated a park officer under section 1541.10 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(GG) "Forest officer" means a full-time employee of the department of natural resources who is designated a forest officer under section 1503.29 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

Code.

(HH) "Preserve officer" means a full-time employee of the department of natural resources who is designated a preserve officer under section 1517.10 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(II) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife officer under section 1531.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(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 enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code.

(RR) "Hamilton county municipal court bailiff" means a person appointed by the clerk of courts of the Hamilton county municipal court under division (A)(3) of section 1901.32 of the Revised Code who is employed full-time as a bailiff or deputy bailiff, who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by division (C) of section 109.77 of the Revised Code, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state.

(SS) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B)(1) of section 101.311 of the Revised Code who has arrest authority under division (E)(1) of that section.

(TT) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C)(1) of section 101.311 of the Revised Code.

(UU) Notwithstanding section 2901.01 of the Revised Code, "law enforcement officer" means a sheriff, deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety enforcement agent, natural resources law enforcement staff officer, park officer, forest officer, preserve 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, state university law enforcement officer, Hamilton county municipal court bailiff, ~~or~~ municipal police officer house sergeant at arms, or assistant house sergeant at arms.

~~(TT)~~(VV) "Fiduciary" means a person who does any of the following:

- (1) Exercises any discretionary authority or control with respect to the management of the system or with respect to the management or disposition of its assets;
- (2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;
- (3) Has any discretionary authority or responsibility in the administration of the system.

~~(UU)~~(WW) "Actuary" means an individual who satisfies all of the following requirements:

- (1) Is a member of the American academy of actuaries;
- (2) Is an associate or fellow of the society of actuaries;
- (3) Has a minimum of five years' experience in providing actuarial

services to public retirement plans.

Sec. 145.33. (A) Except as provided in division (B), (C), or (D) of this section, a member with at least five years of total service credit who has attained age sixty, or who has thirty years of total Ohio service credit, may apply for age and service retirement, which shall consist of:

(1) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;

(2) A pension equal to the annuity provided by division (A)(1) of this section;

(3) An additional pension, if the member can qualify for prior service, equal to forty dollars multiplied by the number of years, and fraction thereof, of such prior and military service credit;

(4) A basic annual pension equal to one hundred eighty dollars if the member has ten or more years of total service credit as of October 1, 1956, except that the basic annual pension shall not exceed the sum of the annual benefits provided by divisions (A)(1), (2), and (3) of this section.

(5) When a member retires on age and service retirement, the member's total annual single lifetime allowance, including the allowances provided in divisions (A)(1), (2), (3), and (4) of this section, shall be not less than a base amount adjusted in accordance with division (A)(5) of this section and determined by multiplying the member's total service credit by the greater of the following:

(a) Eighty-six dollars;

(b) Two and two-tenths per cent of the member's final average salary for each of the first thirty years of service plus two and one-half per cent of the member's final average salary for each subsequent year of service.

The allowance shall be adjusted by the factors of attained age or years of service to provide the greater amount as determined by the following schedule:

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount
58		25	75
59		26	80
60		27	85
61			88
		28	90
62			91
63			94
		29	95

64		97
65	30 or more	100

Members shall vest the right to a benefit in accordance with the following schedule, based on the member's attained age by September 1, 1976:

Attained Birthday	Percentage of Base Amount
66	102
67	104
68	106
69	108
70 or more	110

(6) The total annual single lifetime allowance that a member shall receive under division (A)(5) of this section shall not exceed the lesser of one hundred 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.

(B)(1) For the purposes of divisions (B) to (F) of this section, "total service credit as a law enforcement officer" includes credit for military service to the extent permitted by division (F)(2) of this section and credit for service as a police officer or state highway patrol trooper to the extent permitted by division (F)(3) of this section.

(2) A member who meets the conditions in division (B)(2)(a), (b), or (c) of this section may apply for an age and service retirement benefit under this division:

(a) Except as provided in division (B)(2)(b) of this section, has at least twenty-five years of total service credit as a law enforcement officer and has attained age fifty-two;

(b) Has at least twenty-five years of total 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 and has attained age forty-eight;

(c) Has at least fifteen years of total service credit as a law enforcement officer and has attained age sixty-two.

(3) A benefit paid under division (B) of this section shall consist of an annual single lifetime allowance equal to the sum of two and one-half per cent of the member's final average salary multiplied by the first twenty-five years of the member's total service plus two and one-tenth per cent of the member's final average salary multiplied by the number of years of the

member's total service credit in excess of twenty-five years.

(C) A member with at least fifteen years of total service credit as a law enforcement officer who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony may apply for an age and service retirement benefit, which shall consist of an annual single lifetime allowance equal to one and one-half per cent of the member's final average salary multiplied by the number of years of the member's total service credit. The allowance shall commence on the first day of the calendar month following the month in which the application is filed with the public employees retirement board on or after the attainment by the applicant of age fifty-two.

(D)(1) A member with at least twenty-five years of total service credit as a law enforcement officer other than as a law enforcement officer eligible for a benefit under division (B)(2)(b) of this section who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after the date of attaining forty-eight years of age, but before the date of 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.

(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:

(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;

(b) Any deputy sheriff who originally is employed as a criminal bailiff or court constable on or after April 16, 1993;

(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;

(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;

(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;

(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;

(g) Any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996;

(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

(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.

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

(c) The person is not a citizen of this state, is an attorney admitted to the practice of law in this state by the Ohio supreme court, and has ~~his~~ the person's principal place of business or ~~his~~ the person's primary practice in this state.

(C) A notary public shall be appointed and commissioned as a notary public for the state. The ~~governor~~ secretary of state may revoke a commission issued to a notary public upon presentation of satisfactory evidence of official misconduct or incapacity.

Sec. 147.02. (A) Before the appointment of a notary public is made, the applicant shall produce to the ~~governor~~ secretary of state a certificate from a judge or justice of the court of common pleas, court of appeals, or supreme court that contains the following:

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

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

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

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

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

(D) If the applicant is not a citizen of this state but is an attorney who is admitted to the practice of law in this state by the Ohio supreme court and

whose principal place of business or primary practice is in this state, the judge or justice also shall certify these facts in the certification required by division (A) of this section.

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

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

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

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

~~Each person holding office as a notary public on October 24, 1961, shall continue in that office until the expiration of his term, and, after the expiration of that office, he shall hold office pursuant to this section.~~

Sec. 147.05. (A) Before entering upon the duties of ~~his~~ the office of notary public, a notary public shall leave ~~his~~ the notary public's commission with the oath ~~indorsed~~ endorsed on the commission with the clerk of the court of common pleas of the county in which ~~he~~ the notary public resides. The clerk shall record the commission ~~shall be recorded by the clerk~~ in a book kept for that purpose. The clerk shall ~~indorse~~ endorse on the margin of the record and on the back of the commission the time ~~he~~ that the clerk received ~~it~~ the commission for record and make a proper index to all commissions so recorded ~~by him~~. For recording and indexing ~~the a~~

commission, the fee of the clerk shall be as provided ~~for~~ in division (R) of section 2303.20 of the Revised Code.

(B) The secretary of state shall maintain a record of the commissions of each notary public appointed and commissioned by the secretary of state under this chapter and make a proper index to that record.

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.

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.

Sec. 147.13. A notary public who charges or receives for an act or service done or rendered by ~~him~~ the notary public a fee greater than the amount prescribed by law, or who dishonestly or unfaithfully discharges any ~~of his official~~ duties as notary public, shall be removed from ~~his~~ office by the court of common pleas of the county in which ~~he~~ the notary public resides, upon complaint filed and substantiated in ~~such the~~ court, ~~and the~~. The court shall thereupon certify such the removal to the governor secretary of state. The person so removed shall be ineligible for reappointment to the office of notary public.

Sec. 147.14. No notary public shall certify to the affidavit of a person without administering the appropriate oath or affirmation to ~~such the~~ person. A notary public who violates this section shall be removed from office by the court of common pleas of the county in which ~~the a~~ conviction ~~was for a~~ violation of this section is had. The court shall ~~thereupon~~ certify ~~such the~~ removal to the ~~governor~~ secretary of state. The person so removed shall be ineligible to reappointment for a period of three years.

Sec. 147.37. Each person receiving a commission as notary public, except an attorney admitted to the practice of law in this state by the Ohio supreme court, shall pay a fee of five dollars to the secretary of state. Each person receiving a commission as a notary public who is an attorney admitted to the practice of law in this state by the Ohio supreme court shall pay a fee of ten dollars to the secretary of state.

Sec. 147.371. Upon receipt of a fee of two dollars and an affidavit that

the original commission of a notary public has been lost or destroyed, a duplicate commission as notary public shall be issued by the ~~governor~~ secretary of state.

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

(A) As used in this section:

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

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

(3) "State-supported or state-assisted institutions of higher education" means a state university or college, or community college district, technical college district, university branch 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 long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund (except the principal amounts of bond anticipation notes payable from the proceeds of renewal notes or bonds anticipated) and due in the particular fiscal year, a sufficient amount of revenues of the state is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.

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

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

(C) The department of development, in the administration of the facilities establishment fund, is encouraged to utilize and promote the

ation of, to the maximum practicable extent, the other existing programs, business incentives, and tax incentives that department is required or authorized to administer or supervise.

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

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

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

- (a) Increased, decreased, or adjusted the amount of such funds;
- (b) Assigned, paid premiums, or encumbered such funds;
- (c) Presented an appropriate record for the crediting of such funds or received payment of such funds by check, draft, or otherwise;
- (d) Corresponded with the holder concerning such funds;
- (e) Otherwise indicated an interest in or knowledge of such funds;
- (f) Transacted business with the holder.

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

- (a) Money received or collected under section 9.39 of the Revised Code;
- (b) Any payment or credit due to a business association from a business association representing sums payable to suppliers, or payment for services rendered, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;

(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;

(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.

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.

(C) "Owner" means any person, or the person's legal representative, entitled to receive or having a legal or equitable interest in or claim against

moneys, rights to moneys, or other intangible property, subject to this chapter.

(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, good-faith effort to contact the owner of the unclaimed funds.

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

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

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

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

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

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

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

(B) The department of aging shall administer the residential state supplement program under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state supplement payments shall be used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients who the department determines are at risk of needing institutional care.

(C) For an individual to be eligible for residential state supplement payments, all of the following must be the case:

(1) Except as provided by division (G) of this section, the individual must reside in one of the following:

(a) An adult foster home certified under section 173.36 of the Revised Code;

(b) A home or facility, other than a nursing home or nursing home unit of a home for the aging, licensed by the department of health under Chapter 3721. or 3722. of the Revised Code;

(c) A community alternative home licensed under section 3724.03 of the Revised Code;

(d) A residential facility as defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by the department of mental health;

(e) An apartment or room used to provide community mental health housing services certified by the department of mental health under ~~division (M)~~ of section ~~5119.61~~ 5119.611 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)~~(13)~~(14) of section 340.03 of the Revised Code.

(2) Effective July 1, 2000, a PASSPORT administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for supplemental security income payments or social security disability insurance benefits because of a mental disability, the PASSPORT administrative agency shall refer the individual to a community mental health agency for the community mental health agency to issue in accordance with section 340.091 of the Revised Code a recommendation on whether the PASSPORT administrative agency should determine that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. Division (C)(2) of this section does not apply to an individual receiving residential state supplement payments on June 30, 2000, until the individual's first eligibility redetermination after that date.

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

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

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

individuals may include individuals who receive other types of benefits, including, social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this section, such payments may be made if funds are available for them.

The director of aging shall adopt rules establishing the method to be used to determine the amount an eligible individual will receive under the program. The amount the general assembly appropriates for the program shall be a factor included in the method that department establishes.

(E) The county department of job and family services of the county in which an applicant for the residential state supplement program resides shall determine whether the applicant meets income and resource requirements for the program.

(F) The department of aging shall maintain a waiting list of any individuals eligible for payments under this section but not receiving them because moneys appropriated to the department for the purposes of this section are insufficient to make payments to all eligible individuals. An individual may apply to be placed on the waiting list even though the individual does not reside in one of the homes or facilities specified in division (C)(1) of this section at the time of application. The director of aging, by rules adopted in accordance with Chapter 119. of the Revised Code, shall specify procedures and requirements for placing an individual on the waiting list. Individuals on the waiting list who reside in a community setting not required to be licensed or certified shall have their eligibility for the payments assessed before other individuals on the waiting list.

(G) An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this section solely by reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990.

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

Sec. 173.40. There is hereby created a component of the medicaid program established under Chapter 5111. of the Revised Code to be known as the preadmission screening system providing options and resources today program, or PASSPORT. ~~Through the medical assistance program~~

~~established under Chapter 5111. of the Revised Code, the~~ The PASSPORT program shall provide home and community-based services as an alternative to nursing facility placement for aged and disabled ~~persons~~ medicaid recipients. The program shall be operated pursuant to a home and community-based waiver granted by the United States secretary of health and human services under section 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396n, as amended. The department of aging shall administer the program. ~~The department of aging shall enter into~~ through an interagency agreement entered into with the department of job and family services ~~regarding services provided under the program to recipients of medical assistance under Chapter 5111.~~ under section 5111.86 of the Revised Code. The directors of aging and job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the program.

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

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

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

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

Sec. 175.03. (A)(1) The Ohio housing finance agency shall consist of ~~nine~~ eleven members. ~~Seven~~ Nine of the members shall be appointed by the governor with the advice and consent of the senate. The director of

commerce and the director of development, or their respective designees, shall also be voting members of the agency. Of the ~~seven~~ nine appointed members, at least one shall have experience in residential housing construction; at least one shall have experience in residential housing mortgage lending, loan servicing, or brokering; at least one shall have experience in the licensed residential housing brokerage business; at least one shall have experience with the housing needs of senior citizens; at least one shall be from a background in labor representation in the construction industry; at least one shall represent the interests of nonprofit multifamily housing development organizations; at least one shall represent the interests of for-profit multifamily housing development corporations; and two shall be public members. No more than ~~five~~ six of the appointed members of the agency shall be of the same political party. ~~Of the initial appointments made to the agency, two shall be for a term ending on January 31, 1984, two shall be for a term ending on January 31, 1985, one shall be for a term ending on January 31, 1986, one shall be for a term ending on January 31, 1987, and one shall be for a term ending on January 31, 1988, the term for each member to be designated by the governor~~ Of the appointments made to the agency for the eighth and ninth appointed members in accordance with this amendment, one shall be for a term ending on January 31, 2005, and one shall be for a term ending on January 31, 2006. Thereafter, each appointed member shall serve for a term ending on the thirty-first day of January which is six years following the date of termination of the term which it succeeds. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed 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. Each appointed member may be removed from office by the governor for misfeasance, nonfeasance, malfeasance in office, or for failure to attend in person three consecutive meetings of the agency.

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

and necessary expenses incurred in the discharge of their official duties.

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

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

Sec. 175.21. (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund shall consist of all appropriations, grants, gifts, loan repayments, and contributions of money made from any source to the department of development for the fund. All investment earnings of the fund shall be credited to the fund. The director of development shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The department shall administer the fund. The agency shall use money allocated to it in the fund for implementing and administering its programs and duties under sections 175.22 and 175.24 of the Revised Code, and the department shall use the remaining money in the fund for implementing and administering its

programs and duties under sections 175.22 to 175.25 of the Revised Code. Use of all money in the fund is subject to the following restrictions: forty-five per cent of the money in the fund amount of funds awarded during any one fiscal year shall be used to make grants and loans to nonprofit organizations under section 175.22 of the Revised Code, not less than ~~thirty-five~~ forty-five per cent of the ~~money in the fund~~ amount of funds awarded during any one fiscal year shall be used to make grants and loans for activities that will provide housing and housing assistance to families and individuals in rural areas and small cities that would not be eligible to participate ~~in the small cities program of the community development and block grant program under sections 570.420 to 570.438 of the Code of Federal Regulations as a participating jurisdiction under the "HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721,~~ no more than ~~five~~ six per cent of the money in the fund shall be used for administration, and no money in the fund shall be used to pay for any legal services other than the usual and customary legal services associated with the acquisition of housing. Except as otherwise provided by the director under division (B) of this section, money in the fund may be used as matching money for federal funds received by the state, counties, municipal corporations, and townships for the activities listed in section 175.22 of the Revised Code.

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

Sec. 175.22. (A) The department of development and the Ohio housing finance agency shall each develop programs under which, in accordance with rules adopted under this section, it may make grants, loans, loan guarantees, and loan subsidies to counties, municipal corporations, townships, local housing authorities, and nonprofit organizations and may make loans, loan guarantees, and loan subsidies to private developers and private lenders to assist them in activities that will provide housing and housing assistance for specifically targeted low- and moderate-income families and individuals. There shall be no minimum housing project size for awards under this division for any project that is being developed for a

special needs population and that is supported by a social service agency where the housing project will be located. Activities for which grants, loans, loan guarantees, and loan subsidies may be made under this section include all of the following:

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

(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 monitoring the use of funds; and procedures under which a recipient shall be required to repay funds that are improperly used. The rules adopted by the department shall do both of the following:

(1) Require each recipient of a grant or loan made from the low- and moderate-income housing trust fund for activities that will provide, or assist in providing, a rental housing project, to reasonably ensure that the rental

housing project will be affordable to those families and individuals targeted for the rental housing project for the useful life of the rental housing project or for thirty years, whichever is longer;

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

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

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

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

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

Sec. 175.24. (A) Annually, the department of development shall submit a report to the president of the senate and the speaker of the house of representatives describing the activities of the department under sections

175.21 to 175.25 of the Revised Code during the previous ~~calendar~~ state fiscal year.

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

Sec. 179.02. (A) There is hereby established the Ohio commission on dispute resolution and conflict management, consisting of twelve members, unless a vacancy exists in an appointment at any given time. The purpose of the commission is to provide, coordinate, fund, and evaluate dispute resolution and conflict management education, training, and research programs in this state, and to consult with, educate, train, provide resources for, and otherwise assist and facilitate other persons and public or private agencies, organizations, or entities that are engaged in activities related to dispute resolution and conflict management. Four members of the commission shall be appointed by the governor, four members shall be appointed by the chief justice of the supreme court, two members shall be appointed by the president of the senate, and two members shall be appointed by the speaker of the house of representatives.

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

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

A member shall continue in office subsequent to the expiration date of the member's term until a the member's successor takes office or until a

period of sixty days has elapsed, whichever occurs first.

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

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

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

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

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

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

(2) Establish and maintain a central office;

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

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

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

(6) Provide technical aid and assistance to dispute resolution and conflict management programs, to centers that provide these programs, and to public and private agencies and organizations that provide these programs or engage in dispute resolution and conflict management ~~activities~~ services;

(7) Approve an annual operating budget;

(8) Prepare an annual report on the operation of the commission and the office established by the commission, and provide the report to the governor, the supreme court, and the general assembly.

(B) The commission may do any of the following:

(1) Receive and accept donations, grants, awards, bequests, gifts, reimbursements, and similar funds from any lawful source;

(2) Accept the services of volunteer workers and consultants at no compensation, other than reimbursement for actual and necessary expenses incurred in the performance of their official duties, and reimburse any volunteer workers or consultants for their actual and necessary expenses so incurred;

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

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

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

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

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

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

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

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

(2) Keep and maintain financial records pertaining to the awarding of grants and contracts authorized ~~pursuant to~~ under sections 179.01 to 179.04

of the Revised Code, and report periodically, but not less than annually, to the commission on all relevant data pertaining to the operations, costs, and projected needs of the office established by the commission and on recommendations for legislation or amendments to court rules that may be appropriate to improve dispute resolution and conflict management programs.

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

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

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

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

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

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

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

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

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

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

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

(c) The prosecuting attorneys, city directors of law, village solicitors, and other prosecuting authorities when prosecuting or otherwise handling

criminal cases and the county and joint county public defenders and other public defender agencies or offices;

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

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

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

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

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

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

(1) Crime and delinquency prevention;

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

(3) 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;

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

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

(6) Institutional and noninstitutional rehabilitation of criminal offenders

~~and~~, delinquent children, or both.

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

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

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

(H) "Local elected official" means any person who is a member of a board of county commissioners or township trustees or of a city or village council, judge of the court of common pleas, a municipal court, or a county court, sheriff, county coroner, prosecuting attorney, city director of law, village solicitor, or mayor.

(I) "Juvenile justice coordinating council" means a juvenile justice services agency that is established pursuant to division (D) of section 181.56 of the Revised Code.

Sec. 181.52. (A) There is hereby created an office of criminal justice services. The governor shall appoint a director of the office, and the director may appoint, within the office, any professional and technical personnel and other employees that are necessary to enable the office to comply with sections 181.51 to 181.56 of the Revised Code. The director and the assistant director of the office, and all professional and technical personnel employed within the office who are not public employees as defined in section 4117.01 of the Revised Code, shall be in the unclassified civil service, and all other persons employed within the office shall be in the classified civil service. The director may enter into any contracts, except contracts governed by Chapter 4117. of the Revised Code, that are necessary for the operation of the office.

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

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

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

(3) Cooperate with and provide technical assistance to state

departments, administrative planning districts, metropolitan county criminal justice services agencies, criminal justice coordinating councils, agencies, offices, and departments of the criminal ~~and juvenile~~ justice ~~systems~~ system in the state, and other appropriate organizations and persons;

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

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

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

(7) Implement the state comprehensive plans;

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

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

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

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

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

~~(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;

~~(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;

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

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

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

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

(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;

(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.

(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.

~~(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.

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.

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

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

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

(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;

(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;

(5) Administer within its services area any federal criminal 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;

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

(7) Monitor or evaluate, within its services area, the performance of the criminal and juvenile justice systems projects and programs that are financed in whole or in part by funds granted through it;

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

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

Sec. 181.55. (A)(1) When funds are available for ~~this purpose~~ criminal justice purposes pursuant to section 181.54 of the Revised Code, the office of criminal justice services shall provide funds to metropolitan county criminal justice services agencies for the purpose of developing, coordinating, evaluating, and implementing comprehensive plans within their respective counties. The office of criminal justice services shall provide funds to an agency only if it complies with the conditions of division (B) of this section.

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

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

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

(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;

(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.

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

(1) Exercise leadership in improving the quality of the criminal and juvenile justice systems in the county;

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

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

(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 183.28. The education technology trust fund is hereby created in the state treasury. Money credited to the fund shall be used to pay costs of ~~new and innovative technology for primary and secondary education, including chartered nonpublic schools, and higher education, including state institutions of higher education and private nonprofit institutions of higher education holding certificates of authorization~~ the Ohio SchoolNet commission under section ~~1713.02~~ 3301.80 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

Sec. 183.30. (A) ~~No~~ Except as provided in division (D) of this section, ~~no~~ more than five per cent of the total expenditures of the tobacco use prevention and control foundation in a fiscal year shall be for administrative expenses of the foundation.

(B) ~~No~~ Except as provided in division (D) of this section, ~~no~~ more than five per cent of the total expenditures of the southern Ohio agricultural and community development foundation in a fiscal year shall be for administrative expenses of the foundation.

(C) ~~No~~ Except as provided in division (D) of this section, ~~no~~ more than five per cent of the total expenditures of the biomedical research and technology transfer commission in a fiscal year shall be for administrative expenses of the commission.

(D) This section's five per cent limitation on administrative expenses does not apply in fiscal years 2001 and 2002, provided the foundation or commission seeking to spend more than five per cent has submitted a spending plan to the controlling board and the controlling board has approved the plan.

Sec. 301.27. (A) As used in this section:

(1) "Credit card" includes a gasoline credit card and a telephone credit card.

(2) "Officer" includes an individual who also is an appointing authority.

(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.

(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:

(1) Food expenses;

(2) Transportation expenses;

(3) Gasoline and oil, ~~minor~~ expenses;

(4) Minor motor vehicle maintenance, ~~emergency~~;

(5) Emergency motor vehicle repair, ~~telephone, lodging, and internet~~ expenses;

(6) Telephone expenses;

(7) Lodging expenses;

(8) Internet service provider expenses;

(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.

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

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

(E)(1) Except as otherwise provided in division (E)(2) of this section, every officer or employee authorized to use a credit card held by the board or appointing authority shall submit to the board by the first day of each month an estimate of the officer's or employee's work-related ~~food, transportation, gasoline and oil, minor motor vehicle maintenance, emergency motor vehicle repair, telephone, lodging, and internet service provider~~ expenses listed in division (B) of this section for that month, unless the board authorizes, by resolution, the officer or employee to submit to the board such an estimate for a period longer than one month. The board may

revise the estimate and determine the amount it approves, if any, not to exceed the estimated amount. The board shall certify the amount of its determination to the county auditor along with the necessary information for the auditor to determine the appropriate appropriation line item from which such expenditures are to be made. After receiving certification from the county auditor that the determined sum of money is in the treasury or in the process of collection to the credit of the appropriate appropriation line item for which the credit card is approved for use, and is free from previous and then-outstanding obligations or certifications, the board shall authorize the officer or employee to incur debt for such expenses against the county's credit up to the authorized amount.

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

(F)(1) Any time a county credit card approved for use for an authorized amount under division (E)(1) of this section is used for more than that authorized amount, the appointing authority may request the board of county commissioners to authorize after the fact the expenditure of any amount charged beyond the originally authorized amount if, upon the board's request, the county auditor certifies that sum of money is in the treasury or in the process of collection to the credit of the appropriate appropriation line

item for which the credit card was used and is free from previous and then-outstanding obligations or certifications. If the card is used for more than the amount originally authorized and if for any reason that amount is not authorized after the fact, then the county treasury shall be reimbursed for any amount spent beyond the originally authorized amount in the following manner:

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

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

(2) Any time a county credit card authorized for use under division (E)(2) of this section is used for more than the amount appropriated under that division, the appointing authority may request the board of county commissioners to issue a supplemental appropriation or make a transfer to the proper line item account as permitted in section 5705.40 of the Revised Code, to cover the amount charged beyond the originally appropriated amount. If the card is used for more than the amount originally appropriated and if for any reason that amount is not appropriated or transferred as permitted by this section, then the county treasury shall be reimbursed for any amount spent beyond the originally appropriated amount in the following manner:

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

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

(3) Whenever any officer or employee authorized to use a credit card held by the board or the office of any other county appointing authority suspects the loss, theft, or possibility of unauthorized use of the county credit card the officer or employee is authorized to use, the officer or

employee shall so notify the officer's or employee's appointing authority or the board immediately and in writing.

(4) If the county auditor determines there has been a credit card expenditure beyond the appropriated or authorized amount as provided in division (E) of this section, the auditor immediately shall notify the board of county commissioners of this fact. When the board of county commissioners determines on its own or after notification from the county auditor that the county treasury should be reimbursed for credit card expenditures beyond the appropriated or authorized amount as provided in divisions (F)(1) and (2) of this section, it shall give written notice to the officer or employee or appointing authority liable to the treasury as provided in divisions (F)(1) and (2) of this section. If, within thirty days after issuance of this written notice the county treasury is not reimbursed for the amount shown on the written notice, the prosecuting attorney of the county shall recover that amount from the officer or employee or appointing authority who is liable under this section by civil action in any court of appropriate jurisdiction.

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

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

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

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

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

For purposes of this division, "unanimous vote" means all three

members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.

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

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

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

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

(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 or contract authorized to be issued under Title XXXIX of the Revised Code or any form of health care plan authorized to be issued under Chapter 1751. of the Revised Code, or any combination of such policies, contracts, or plans that the contracting authority is authorized to purchase, and the contracting authority does all of the following:

(1) Determines that compliance with the requirements of this section

would increase, rather than decrease, the cost of ~~such~~ the purchase;

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

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

(4) Negotiates with ~~such~~ the issuers for the purpose of purchasing ~~such~~ the policies, contracts, or plans at the best and lowest price reasonably possible.

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.

(H) Child day-care services are purchased for provision to county employees.

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:

(a) The contracting authority is authorized by the Revised Code to lease the property.

(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.

(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.

(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.

(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.

(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

misdemeanant 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.

(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 provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.

Any issuer of policies, contracts, or plans listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective lessor's name and address, or the name and address of an agent, placed on a special notification list to be kept by the contracting authority, by sending the contracting authority ~~such~~ that name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The contracting authority shall mail the notices at least six weeks prior to the deadline set by the contracting authority for submitting proposals. Every five years the contracting authority may review this list and remove any person from the list after mailing the person notification of ~~such~~ that action.

Any contracting authority that negotiates a contract under division (F) of this section shall request proposals and renegotiate with issuers in accordance with that division at least every three years from the date of the signing of such a contract.

Any consultant employed pursuant to division (F) of this section and any real estate appraiser employed pursuant to division (I) of this section shall disclose any fees or compensation received from any source in connection with that employment.

Sec. 313.091. In connection with the performance of duties ~~performed in accordance with~~ under this chapter, a coroner, deputy coroner, or representative of a coroner or deputy coroner may request, in writing, to inspect and receive a copy of the deceased person's medical and psychiatric records. The person to whom the request is delivered shall make such records in the person's custody available during normal business hours to the coroner, deputy coroner, or representative for purposes of inspection and copying. A person who provides copies of medical or psychiatric records pursuant to a request made under this section may request, in writing, reimbursement in a specified amount for the necessary and reasonable costs of copying the records, in which case the coroner, deputy coroner, or

esentative shall remit that amount to the person upon receipt of the copies.

Any medical or psychiatric record provided to a coroner, deputy coroner, or representative of a coroner or deputy coroner under this section is not a public record subject to section 149.43 of the Revised Code. The release of a deceased person's medical or psychiatric records to a coroner, deputy coroner, or representative of a coroner or deputy coroner in accordance with this section does not violate division (B)(4) of section 4731.22 or section 5122.31 of the Revised Code.

As used in this section and section 313.10 of the Revised Code, "medical record" has the same meaning as in division (A)(3) of section 149.43 of the Revised Code.

Sec. 325.071. There shall be allowed annually to the sheriff, in addition to all salary and allowances otherwise provided by law, an amount equal to one-half of the official salary allowed under ~~sections~~ division (A) of section 325.06 and section 325.18 of the Revised Code, to provide for expenses that the sheriff incurs in the performance of the sheriff's official duties and in the furtherance of justice. Upon the order of the sheriff, the county auditor shall draw the auditor's warrant on the county treasurer, payable to the sheriff or any other person as the order designates, for the amount the order requires. The amounts the order requires, not exceeding the amount provided by this section, shall be paid out of the general fund of the county.

Nothing shall be paid under this section until the sheriff gives bond to the state in an amount not less than the sheriff's official salary, to be fixed by the court of common pleas or the probate court, with sureties to be approved by either of those courts. The bond shall be conditioned that the sheriff will faithfully discharge all the duties enjoined upon the sheriff, and pay over all moneys the sheriff receives in an official capacity. The bond, with the approval of the court of common pleas or the probate court of the amount of the bond and the sureties on the bond, shall be deposited with the county treasurer.

The sheriff annually, before the first Monday of January, shall file with the county auditor an itemized statement, verified by the sheriff, as to the manner in which the fund provided by this section has been expended during the current year, and, if any part of that fund remains in the sheriff's hands unexpended, forthwith shall pay the remainder into the county treasury.

Sec. 329.04. (A) The county department of job and family services shall have, exercise, and perform the following powers and duties:

(1) Perform any duties assigned by the state department of job and family services regarding the provision of public family services, including

the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:

(a) ~~Services authorized by a Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301 program, as amended, and known in this state as the Ohio works first program established by Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. defined in section 5101.80 of the Revised Code;~~

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 of the Revised Code;

(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.

(2) Administer disability assistance under Chapter 5115. of the Revised Code as required by the state department of job and family services;

(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;

(4) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;

(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;

(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;

(7) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act";

(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 services shall certify public assistance and nonpublic assistance households eligible under the "Food Stamp Act of 1964," 78 Stat. 703, 7 U.S.C.A. 2011, as amended, and federal and state regulations adopted pursuant to such act, to enable low-income households to participate in the food stamp program and thereby to purchase foods having a greater monetary value than is possible under public assistance standard allowances or other low-income budgets.

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

The document referred to as the "authorization-to-participate card," which shows the face value of the ~~coupon allotment~~ benefits an eligible household is entitled to receive on presentment of the document, shall be issued, immediately upon certification, to a household determined under division (C) of section 5101.54 of the Revised Code to be in immediate need

of food assistance by being personally handed by a member of the staff of the county department of job and family services to the member of the household in whose name application was made for participation in the program or the authorized representative of such member of the household.

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

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

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

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

~~(C) The individual designated to receive warrants for aid payments shall present the identification card issued under this section as a condition for the acceptance and payment of the warrants.~~

In issuing identification cards under this section, the county department shall comply with any state or federal laws governing the issuance of the cards. All expenses incurred in issuing the issuance of identification cards under this section shall be paid from funds appropriated available to the county department of job and family services for administrative expenses.

Sec. 339.05. A board of county hospital trustees may adopt, annually, bidding procedures and purchasing policies for services provided through a joint purchasing arrangement sponsored by a nonprofit organization, and for

supplies and equipment, that are routinely used in the operation of the hospital and that cost in excess of the amount specified in section 307.86 of the Revised Code as the amount above which purchases must be competitively bid. If a board of county hospital trustees adopts ~~such~~ those policies and procedures, and if the board of county commissioners approves them, the board of county hospital trustees may follow ~~these~~ those policies and procedures in lieu of following the competitive bidding procedures of sections 307.86 to 307.92 of the Revised Code.

Sec. 340.02. As used in this section, "mental health professional" means a person who is qualified to work with mentally ill persons, pursuant to ~~minimum~~ standards established by the director of mental health under section ~~5119.61~~ 5119.611 of the Revised Code.

For each alcohol, drug addiction, and mental health service district there shall be appointed a board of alcohol, drug addiction, and mental health services of eighteen members. Members shall be residents of the district and shall be interested in mental health programs and facilities or in alcohol or drug addiction programs.

The director of mental health shall appoint four members of the board, the director of alcohol and drug addiction services shall appoint four members, and the board of county commissioners shall appoint ten members. In a joint-county district the county commissioners of each participating county shall appoint members in as nearly as possible the same proportion as that county's population bears to the total population of the district, except that at least one member shall be appointed from each participating county.

The director of mental health shall ensure that at least one member of the board is a psychiatrist and one member of the board is a mental health professional. One member of the board may be a voting member of the citizen's advisory council of an institution under the control of the department of mental health which serves a hospital district in which one or more counties in the service district is located. If the appointment of a psychiatrist is not possible, as determined under rules adopted by the director, a licensed physician may be appointed in place of the psychiatrist. If the appointment of a licensed physician is not possible, the director of mental health may waive the requirement that the psychiatrist or licensed physician be a resident of the service district and appoint a psychiatrist or licensed physician from a contiguous county. The membership of the board shall, as nearly as possible, reflect the composition of the population of the service district as to race and sex. The director of mental health shall ensure that at least one member of the board is a person who has received or is

ceiving mental health services paid for by public funds and at least one member is a parent or other relative of such a person.

The director of alcohol and drug addiction services shall ensure that at least one member of the board is a professional in the field of alcohol or drug addiction services and one member of the board is an advocate for persons receiving treatment for alcohol or drug addiction. Of the members appointed by the director of alcohol and drug addiction services, at least one shall be a person who has received or is receiving services for alcohol or drug addiction and at least one member shall be a parent or other relative of such a person.

No member or employee of a board of alcohol, drug addiction, and mental health services shall serve as a member of the board of any agency with which the board of alcohol, drug addiction, and mental health services has entered into a contract for the provision of services or facilities. No member of a board of alcohol, drug addiction, and mental health services shall be an employee of any agency with which the board has entered into a contract for the provision of services or facilities. No person shall be an employee of a board and such an agency unless the board and agency both agree in writing.

No person shall serve as a member of the board of alcohol, drug addiction, and mental health services whose spouse, child, parent, brother, sister, grandchild, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law serves as a member of the board of any agency with which the board of alcohol, drug addiction, and mental health services has entered into a contract for the provision of services or facilities. No person shall serve as a member or employee of the board whose spouse, child, parent, brother, sister, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law serves as a county commissioner of a county or counties in the alcohol, drug addiction, and mental health service district.

Each year each board member shall attend at least one inservice training session provided or approved by the department of mental health or the department of alcohol and drug addiction services. Such training sessions shall not be considered to be regularly scheduled meetings of the board.

Each member shall be appointed for a term of four years, commencing the first day of July, except that one-third of initial appointments to a newly established board, and to the extent possible to expanded boards, shall be for terms of two years, one-third for terms of three years, and one-third for terms of four years. No member shall serve more than two consecutive

four-year terms. A member may serve for three consecutive terms only if one of the terms is for less than two years. A member who has served two consecutive four-year terms or three consecutive terms totaling less than ten years is eligible for reappointment one year following the end of the second or third term, respectively.

When a vacancy occurs, appointment for the expired or unexpired term shall be made in the same manner as an original appointment. The appointing authority shall be notified by certified mail of any vacancy and shall fill the vacancy within sixty days following such notice.

Any member of the board may be removed from office by the appointing authority for neglect of duty, misconduct, or malfeasance in office, and shall be removed by the appointing authority if the member's spouse, child, parent, brother, sister, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law serves as a county commissioner of a county or counties in the service district or serves as a member or employee of the board of an agency with which the board of alcohol, drug addiction, and mental health services has entered a contract for the provision of services or facilities. The member shall be informed in writing of the charges and afforded an opportunity for a hearing. Upon the absence of a member within one year from either four board meetings or from two board meetings without prior notice, the board shall notify the appointing authority, which may vacate the appointment and appoint another person to complete the member's term.

Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties, as defined by rules of the departments of mental health and alcohol and drug addiction services.

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 which the board's current plan is scheduled to expire, a community mental health plan listing community mental health needs, including the needs of all residents of the district now residing in state mental institutions and severely mentally disabled adults, children, and adolescents; all children subject to a determination made pursuant to section 121.38 of the Revised Code; and all the facilities and community mental health programs and facilities services that are or will be in operation or provided during the period for which the plan will be in operation in the service district to meet such needs.

The plan shall include, but not be limited to, a statement of which of the services listed in section 340.09 of the Revised Code the board intends to provide or purchase, an explanation of how the board intends to make any payments that it may be required to pay under section 5119.62 of the Revised Code, a statement of the inpatient and community-based services the board proposes that the department operate, an assessment of the number and types of residential facilities needed, and such other information as the department requests, and a budget for moneys the board expects to receive. The board shall also submit an allocation request for state and federal funds. Within sixty days after the department's determination that the plan and allocation request are complete, the department shall approve or disapprove the plan and request, in whole or in part, according to the criteria developed pursuant to section 5119.61 of the Revised Code. The department's statement of approval or disapproval shall specify the inpatient and the community-based services that the department will operate for the board. Eligibility for financial support shall be contingent upon an approved plan or relevant part of a plan.

If the director disapproves all or part of any plan, the director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the plan may be approved. The director shall provide the board an opportunity to present its case on behalf of the plan. The director shall give the board a reasonable time in which to meet the criteria, and shall offer the board technical assistance to help it meet the criteria.

If the approval of a plan remains in dispute thirty days prior to the conclusion of the fiscal year in which the board's current plan is scheduled

to expire, the board or the director may request that the dispute be submitted to a mutually agreed upon third-party mediator with the cost to be shared by the board and the department. The mediator shall issue to the board and the department recommendations for resolution of the dispute. Prior to the conclusion of the fiscal year in which the current plan is scheduled to expire, the director, taking into consideration the recommendations of the mediator, shall make a final determination and approve or disapprove the plan, in whole or in part.

If a board determines that it is necessary to amend a plan or an allocation request that has been approved under division (A)(1)(c) of this section, the board shall submit a proposed amendment to the director. The director may approve or disapprove all or part of the amendment. If the director does not approve all or part of the amendment within thirty days after it is submitted, the amendment or part of it shall be considered to have been approved. The director shall inform the board of the reasons for disapproval of all or part of an amendment and of the criteria that must be met before the amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment. The director shall give the board a reasonable time in which to meet the criteria, and shall offer the board technical assistance to help it meet the criteria.

The board shall implement the plan approved by the department.

(d) Receive, compile, and transmit to the department of mental health applications for state reimbursement;

(e) Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies.

(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community mental health agency as defined in section 5122.01 of the Revised Code, or from a residential facility licensed under section 5119.22 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department.

(3) Review; For the purpose of section 5119.611 of the Revised Code, cooperate with the director of mental health in visiting and evaluating whether the services of a community mental health agency satisfy the certification standards established by rules adopted under that section;

(4) In accordance with criteria established under division (G) of section 5119.61 of the Revised Code, review and evaluate, and conduct program

~~audits for the quality, effectiveness, and efficiency of services provided through its community mental health services, facilities, and agencies seeking federal, state, or board assistance, review licensure applications pursuant to section 5119.22 of the Revised Code, and determine if the services meet minimum standards established pursuant to division (G) of section 5119.01 of the Revised Code plan and submit its findings and recommendations to the department of mental health;~~

~~(4)(5) In accordance with section 5119.22 of the Revised Code, review applications for residential facility licenses and recommend to the department of mental health approval or disapproval of applications;~~

~~(6) Audit, in accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually all programs and services provided under contract with the board. In so doing, the board may contract for or employ the services of private auditors. A copy of the fiscal audit report shall be provided to the director of mental health, the auditor of state, and the county auditor of each county in the board's district.~~

~~(5)(7) Recruit and promote local financial support for mental health programs from private and public sources;~~

~~(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 in meeting local needs. In the case of a contract with a community mental health facility described in division (B) of section 5111.022 of the Revised Code to provide services established by division (A) of that section, the contract shall provide for the facility to be paid in accordance with the contract entered into between the departments of human job and family services and~~

mental health under division (E) of that section and any rules adopted under division (A) of section 5119.61 of the Revised Code.

If either the board or a facility or community mental health agency with which ~~it the board~~ contracts for mental health services, programs, or facilities under division (A)(8)(a) of this section proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one hundred twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the department of mental health of the unresolved dispute. The director may require both parties to submit the dispute to a third party with the cost to be shared by the board and the facility or community mental health agency. The third party shall issue to the board, the facility or agency, and the department recommendations on how the dispute may be resolved twenty days prior to the expiration date of the contract, unless both parties agree to a time extension. The director shall adopt rules establishing the procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health, a board may operate a facility or provide a community mental health service, program, or facility as follows, if there is no other qualified private or public facility or community mental health agency that is immediately available and willing to operate such a facility or provide the service, program, or facility:

(i) In an emergency situation, any board may operate a facility or provide a community mental health service, program, or facility in order to provide essential services for the duration of the emergency;

(ii) In a service district with a population of at least one hundred thousand but less than five hundred thousand, a board may operate a facility or provide a community mental health service, program, or facility for no longer than one year;

(iii) In a service district with a population of less than one hundred thousand, a board may operate a facility or provide a community mental health service, program, or facility for no longer than one year, except that such a board may operate a facility or provide a community mental health service, program, or facility for more than one year with the prior approval of the director and the prior approval of the board of county commissioners, or of a majority of the boards of county commissioners if the district is a joint-county district.

The director shall not give a board approval to operate a facility or provide a community mental health service, ~~program, or facility~~ under division (A)(~~6~~)(8)(b)(ii) or (iii) of this section unless the director determines that it is not feasible to have the department operate the facility or provide the service, program, or facility.

The director shall not give a board approval to operate a facility or provide a community mental health service, ~~program, or facility~~ under division (A)(~~6~~)(8)(b)(iii) of this section unless the director determines that the ~~board's service, program, or facility~~ board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility or community mental health agency for ~~provision of the services~~.

The director shall not give a board approval to operate a ~~mental health service, program, or facility~~ previously operated by a ~~community mental health agency person or other government entity~~ unless the board has established to the director's satisfaction that the ~~agency person or other government entity~~ cannot effectively ~~provide operate~~ the ~~service, program, or facility~~; or that the ~~agency person or other government entity~~ has requested the board to take over operation of the ~~service, program, or facility~~. The director shall not give a board approval to provide a community mental health service previously provided by a community mental health agency unless the board has established to the director's satisfaction that the agency cannot effectively provide the service or that the agency has requested the board take over providing the service.

The director shall review and evaluate ~~the a board's~~ operation of ~~each a facility and provision of community~~ mental health service, ~~program, or facility operated by a board~~ under division (A)(~~6~~)(8)(b) of this section.

Nothing in division (A)(~~6~~)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community mental health agency, but ~~an a facility or~~ agency may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or agency.

(~~7~~)(9) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community mental health agencies in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;

(~~8~~)(10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the programs under the jurisdiction of the board, including a

fiscal accounting;

~~(9)~~(11) Establish, to the extent resources are available, a community support system, which provides for treatment, support, and rehabilitation services and opportunities. The essential elements of the system include, but are not limited to, the following components in accordance with section 5119.06 of the Revised Code:

(a) To locate persons in need of mental health services to inform them of available services and benefits mechanisms;

(b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Mental health care, including, but not limited to, outpatient, partial hospitalization, and, where appropriate, inpatient care;

(d) Emergency services and crisis intervention;

(e) Assistance for clients to obtain vocational services and opportunities for jobs;

(f) The provision of services designed to develop social, community, and personal living skills;

(g) Access to a wide range of housing and the provision of residential treatment and support;

(h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others;

(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health services;

(j) Grievance procedures and protection of the rights of consumers of mental health services;

(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.

~~(10)~~(12) Designate the treatment program, agency, or facility for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code and authorize payment for such treatment. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the services listed in section 340.09 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for services, which may include prior authorization in appropriate circumstances. The

oard may provide for services directly to a severely mentally disabled person when life or safety is endangered and when no community mental health agency is available to provide the service.

~~(H)~~(13) Establish a method for evaluating referrals for involuntary commitment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to involuntary hospitalization and what alternative treatment is available and appropriate, if any-;

~~(I)~~(14) Ensure that apartments or rooms built, subsidized, renovated, rented, owned, or leased by the board or a community mental health agency have been approved as meeting minimum fire safety standards and that persons residing in the rooms or apartments are receiving appropriate and necessary services, including culturally relevant services, from a community mental health agency. This division does not apply to residential facilities licensed pursuant to section 5119.22 of the Revised Code.

~~(J)~~(15) Establish a mechanism for involvement of consumer recommendation and advice on matters pertaining to mental health services in the alcohol, drug addiction, and mental health service district;

~~(K)~~(16) Perform the duties under section 3722.18 of the Revised Code required by rules adopted under section 5119.61 of the Revised Code regarding referrals by the board or mental health agencies under contract with the board of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for the individuals.

(B) The board shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter.

(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest 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 establish requirements and procedures for prior notification and service coordination between public children services agencies and boards of alcohol, drug addiction, and mental health services when a public children services agency refers a child in its custody to a board for services funded by the board. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The department of mental health and department of job and family services shall collaborate in formulating a plan that delineates the funding responsibilities of public children services agencies and boards of alcohol, drug addiction, and mental health services for services provided under section 5111.022 of the Revised Code to children in the custody of public children services agencies. The departments shall complete the plan not later than ninety days after the effective date of this section.

Sec. 349.01. As used in this chapter:

(A) "New community" means a community or an addition to an existing community planned pursuant to this chapter so that it includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in ~~sections 349.01 to 349.16 of the Revised Code~~ this chapter.

(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of section 349.03 of the Revised Code for development as a new community and any lands added to ~~such~~ the district by amendment of the resolution establishing the community authority.

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised

Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any ~~municipality~~ municipal corporation, county, or port authority that owns the land within a new community district, or has the ability to acquire such land, either by voluntary acquisition or condemnation in order to eliminate slum, blighted, and deteriorated or deteriorating areas and to prevent the recurrence thereof.

(F) "Organizational board of commissioners" means, if the new community district is located in only one county, the board of county commissioners of such county; if located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of such board shall require a majority vote of the members of each separate board of county commissioners; or, if more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, day care centers, recreation halls, educational facilities, hospital facilities as defined in section 140.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural facilities, community streets, pathway and bikeway systems, pedestrian underpasses and overpasses, lighting facilities, design amenities, or other community facilities, and buildings needed in connection with water supply or sewage disposal installations or steam, gas, or electric lines or installation.

(J) "Cost" as applied to a new community development program means all costs related to land acquisition and land development, the acquisition,

construction, maintenance, and operation of community facilities and offices of the community authority, and of providing furnishings and equipment therefor, financing charges including interest prior to and during construction and for the duration of the new community development program, planning expenses, engineering expenses, administrative expenses including working capital, and all other expenses necessary and incident to the carrying forward of the new community development program.

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

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

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

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

"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 date.

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

(E) Upon the termination of a limited home rule government under this section, if the township had converted its board of township trustees to a five-member board under section 504.21 of the Revised Code, the current board member who received the lowest number of votes of the current board members who were elected at the most recent election for township trustees, and the current board member who received the lowest number of votes of the current board members who were elected at the second most recent election for township trustees, shall cease to be township trustees on the date that the limited home rule government terminates. Their offices likewise shall cease to exist at that time, and the board shall continue as a three-member board as provided in section 505.01 of the Revised Code.

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

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

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

(3) Supply water and sewer services to users within the unincorporated area of the township in accordance with sections 504.18 to 504.20 of the Revised Code.

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

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

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

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

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

(5) Increase, decrease, or otherwise alter the powers or duties of a township under any other chapter of the Revised Code pertaining to agriculture or the conservation or development of natural resources;

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

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

Nothing in this chapter shall be construed as affecting the powers of counties with regard to the subjects listed in divisions (B)(3) to (5) of this section.

(C) Under a limited home rule government, all officers shall have the qualifications, and be nominated, elected, or appointed, as provided in Chapter 505. of the Revised Code, except that the board of township trustees shall appoint a full-time or part-time law director pursuant to section 504.15 of the Revised Code, and except that section 504.21 of the Revised Code also shall apply if a five-member board of township trustees is approved for

the township.

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

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

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

(C) If a board of township trustees is converted to a five-member board, the board members shall be elected by determining which individuals receive the highest number of votes from a slate of candidates running for the office of township trustee. If the first election after a township converts its board of township trustees to a five-member board is an election for three four-year term members and one two-year term member, the three candidates who receive the highest number of votes from the slate of candidates for township trustee shall serve a four-year term and the candidate who receives the fourth highest number of votes from that slate of candidates shall serve a two-year term.

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

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

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

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

(3) In townships having a budget of more than one hundred thousand

but not more than two hundred fifty thousand dollars, twenty-eight dollars and fifty cents per day for not more than two hundred days;

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

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

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

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

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

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

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

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

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

(3) In calendar year 2001, the amounts determined under division (B)(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 amounts determined under division (B)(3) of this section increased by three per cent; in townships having a budget of more than six million but not more than ten million dollars, seventy dollars per day for not more than two hundred days; and in townships having a budget of more than ten million dollars, ninety dollars per day for not more than two hundred days;

(5) In calendar years 2003 through 2008, the amounts determined under division (B) of this section for the immediately preceding calendar year increased by the lesser of the following:

(a) Three per cent;

(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the

immediately preceding calendar year, rounded to the nearest one-tenth of one per cent;

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

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

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

By unanimous vote, a board of township trustees may adopt a method of compensation consisting of an annual salary to be paid in equal monthly payments. If the office of trustee 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. The amount of the annual salary approved by the board shall be no more than the maximum amount that could be received annually by a trustee if the trustee were paid on a per diem basis as specified in this division, and shall be paid from the township general fund or from other township funds in such proportions as the board may specify by resolution. A board of township trustees that has adopted a salary method of compensation may return to a method of compensation on a per diem basis as specified in this division by a majority vote. Any change in the method of compensation shall be effective on the first day of January of the year following the year during which the board has voted to change the method of compensation.

Sec. 507.09. (A) Except as otherwise provided in division (D) of this section, the township clerk shall be entitled to compensation as follows:

(1) In townships having a budget of fifty thousand dollars or less, three thousand five hundred dollars;

(2) In townships having a budget of more than fifty thousand but not more than one hundred thousand dollars, five thousand five hundred dollars;

(3) In townships having a budget of more than one hundred thousand but not more than two hundred fifty thousand dollars, seven thousand seven hundred dollars;

(4) In townships having a budget of more than two hundred fifty thousand but not more than five hundred thousand dollars, nine thousand nine hundred dollars;

(5) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars, eleven thousand dollars;

(6) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, thirteen thousand two hundred dollars;

(7) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, fifteen thousand four hundred dollars;

(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;

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

(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.

(C) The compensation of the township clerk shall be paid in 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.

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

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.

~~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.

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 private. The director shall adopt and enforce rules to provide for the rendering of a laboratory service.

(B) The director may charge a reasonable fee for the performance of a laboratory service, except when the service is performed on an official sample taken by the director acting pursuant to Title IX, Chapter 3715., or Chapter 3717. of the Revised Code; by a board of health acting as the

licensor of retail food establishments or food service operations under Chapter 3717. of the Revised Code; or by the director of health acting as the licensor of food service operations under Chapter 3717. of the Revised Code. The director of agriculture shall adopt rules specifying what constitutes an official sample.

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

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

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

(2) The director may inspect and accredit laboratories and laboratory services, and may charge a reasonable fee for the inspections and accreditation.

(E)(1) All moneys collected by the director under this section that are from fees generated by a laboratory service performed by the department and related to the diseases of animals, and all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and laboratory services related to the diseases of animals, shall be deposited in the animal industry laboratory fund, which is hereby created in the state treasury. The director shall use the moneys in the animal industry laboratory fund to pay the expenses necessary to operate the animal industry laboratory, including the purchase of supplies and equipment for the laboratory that provides laboratory services related to the diseases of animals.

(2) All moneys collected by the director under this section that are from fees generated by a laboratory service performed by the consumer analytical laboratory, and all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and laboratory services not related to weights and measures or the diseases of animals, shall be deposited in the laboratory services fund, which is hereby created in the state treasury. The moneys held in the fund may be used to pay the expenses necessary to operate the consumer analytical laboratory, including the purchase of supplies and equipment.

(3) All moneys collected by the director under this section that are from fees generated by a laboratory service performed by the weights and measures laboratory, and all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and laboratory

services related to weights and measures, shall be deposited in the weights and measures laboratory fund, which is hereby created in the state treasury. The moneys held in the fund may be used to pay the expenses necessary to operate the division of weights and measures, including the purchase of supplies and equipment.

Sec. 901.63. (A) The agricultural financing commission shall do both of the following until July 1, ~~2004~~ 2003:

(1) Make recommendations to the director of agriculture about financial assistance applications made pursuant to sections 901.80 to 901.83 of the Revised Code. In making its recommendations, the commission shall utilize criteria established by rules adopted under division (A)(8)(b) of section 901.82 of the Revised Code.

(2) Advise the director in the administration of sections 901.80 to 901.83 of the Revised Code.

With respect to sections 901.80 to 901.83 of the Revised Code, the role of the commission is solely advisory. No officer, member, or employee of the commission is liable for damages in a civil action for any injury, death, or loss to person or property that allegedly arises out of purchasing any loan or providing a loan guarantee, failure to purchase a loan or provide a loan guarantee, or failure to take action under sections 901.80 to 901.83 of the Revised Code, or that allegedly arises out of any act or omission of the department of agriculture that involves those sections.

(B) The commission may:

(1) Adopt bylaws for the conduct of its business;

(2) Exercise all rights, powers, and duties conferred on the commission as an issuer under Chapter 902. of the Revised Code;

(3) Contract with, retain, or designate financial consultants, accountants, and such other consultants and independent contractors as the commission may determine to be necessary or appropriate to carry out the purposes of this chapter and to fix the terms of those contracts;

(4) Undertake and carry out or authorize the completion of studies and analyses of agricultural conditions and needs within the state relevant to the purpose of this chapter to the extent not otherwise undertaken by other departments or agencies of the state satisfactory for ~~such~~ that purpose;

(5) Acquire by gift, purchase, foreclosure, or other means, and hold, assign, pledge, lease, transfer, or otherwise dispose of, real and personal property, or any interest in that real and personal property, in the exercise of its powers and the performance of its duties under this chapter and Chapter 902. of the Revised Code;

(6) Receive and accept gifts, grants, loans, or any other financial or

other form of aid from any federal, state, local, or private agency or fund and enter into any contract with any such agency or fund in connection therewith, and receive and accept aid or contributions from any other source of money, property, labor, or things of value, to be held, used, and applied only for the purposes for which ~~such~~ the grants and contributions are made, all within the purposes of this chapter and Chapter 902. of the Revised Code;

(7) Sue and be sued in its own name with respect to its contracts or to enforce this chapter or its obligations or covenants made under this chapter and Chapter 902. of the Revised Code;

(8) Make and enter into all contracts, commitments, and agreements, and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under this chapter and Chapter 902. of the Revised Code;

(9) Adopt an official seal;

(10) Do any and all things necessary or appropriate to carry out the public purposes and exercise the powers granted to the commission in this chapter and Chapter 902. of the Revised Code and the public purposes of Section 13 of Article VIII, Ohio Constitution.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 901.81. (A) As used in this section and sections 901.82 and 901.83 of the Revised Code:

(1) "Financial institution" means any banking corporation; trust company; savings and loan association; building and loan association; or corporation, partnership, or other institution that is engaged in lending or investing funds for agricultural or other business purposes and that is eligible to become a depository for public moneys under section 135.03 of the Revised Code.

(2) "Eligible applicant" means a person who has made all of the demonstrations enumerated in division (B) of section 901.82 of the Revised Code.

(B) A financial institution that wishes to participate in the program established under section 901.80 of the Revised Code shall accept and review applications for loans from eligible applicants. Forms and procedures involved in the application process shall comply with rules adopted under division (A)(8)(a) of section 901.82 of the Revised Code. The financial institution shall apply all usual lending standards to determine the creditworthiness of each eligible applicant, including whether the eligible

applicant has the ability to repay the loan and whether adequate security exists for the loan.

The financial institution shall forward to the department of ~~development~~ agriculture the completed loan application of an eligible applicant whom the financial institution has determined to be creditworthy, along with the farm business plan and management strategy required by division (A)(5) of section 901.82 of the Revised Code, and any other information required by rules adopted under division (A)(8) of section 901.82 of the Revised Code. If a loan guarantee is involved, the financial institution also shall forward a request by the financial institution to enter into a contract of guarantee described in section 901.83 of the Revised Code.

The department of ~~development~~ shall proceed with the loan application in accordance with ~~division (A)(12) of section 122.011~~ 901.82 of the Revised Code.

Sec. 901.82. (A) In administering the program established under section 901.80 of the Revised Code, the director of agriculture shall do all of the following:

(1) Receive, review, analyze, and summarize applications for financial assistance forwarded to the director by ~~the department 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;

(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;

(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;

(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;

(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 the project;

(6) Inform agricultural organizations and others in the state of the existence of the program established under section 901.80 of the Revised Code and of the financial assistance available under the program;

(7) Report to the governor, president of the senate, speaker of the house of representatives, and minority leaders of the senate and the house of

representatives by the thirtieth day of June of each year on the activities carried out under the program during the preceding calendar year. The report shall include the number of loans purchased or loan guarantees made that year, the amount of each such loan or loan guarantee, the county in which the loan recipient's farm is located, and whatever other information the director determines is relevant to include.

(8) Adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following with regard to the program:

(a) Forms and procedures by which eligible applicants may apply for financial assistance;

(b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications that best serve the goals of the program;

(c) Reporting requirements and monitoring procedures;

(d) Interest rates, payment schedules, loan transfer provisions, penalties, including penalties for the conversion of land devoted exclusively to agricultural use as defined in section 5713.30 of the Revised Code, and other terms and conditions for loans purchased and loan guarantees provided under the program;

(e) Criteria for determining whether the location at which the applicant proposes to use financial assistance provided under the program is in an area in which agriculture is the primary land use at the time the application is made and whether the land at that location reasonably may not be expected to be converted to a nonagricultural use during the period of time that the applicant's obligation to repay the loan remains outstanding;

(f) Any other rules necessary to implement and administer the program.

(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:

(1) That the applicant is domiciled in this state;

(2) That the applicant is unable to obtain sufficient financing from commercial or agricultural lending sources;

(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;

(4) That the applicant has sufficient education, training, or experience in the type of farming for which the applicant requests the financial assistance;

(5) That there are no zoning restrictions, environmental regulations, or other impairments to the use of the land for the purpose intended;

(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 utilize criteria established in rules adopted under division (A)(8)(e) of this section.

Sec. 917.07. The dairy industry fund is hereby created in the state treasury. All inspection fees and license fees collected under this chapter shall be deposited into the fund:

~~The dairy fund is hereby created in the state treasury. All together with all fine moneys received by the treasurer of state pursuant to division (E)(F) of section 917.99 of the Revised Code and any other moneys collected under this chapter, except for inspection fees and license fees, shall be deposited into the fund.~~

Moneys credited to the dairy industry fund ~~and the dairy fund~~ shall be used to operate and pay expenses of the division of dairy in the department of agriculture.

Sec. 917.99. (A) Whoever violates division (C) of section 917.09 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(B) Whoever violates section 917.13 or 917.14 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense, a felony of the fifth degree on a second offense, and a felony of the fourth degree on each subsequent offense.

(C) Whoever violates division (A), (B), (C), (D), or (G) of section 917.05 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(D) Whoever violates division (E) or (F) of section 917.05 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(E) Each day of violation of a provision described in divisions (A) to (D) of this section constitutes a separate offense.

(F) The court imposing a fine under divisions (A) to (D) of this section shall order that not less than fifty per cent of the fine be disbursed to the treasurer of state for deposit into the dairy industry fund created in section 917.07 of the Revised Code. Subject to that minimum percentage, the court's order shall specify the percentage of the fine that the clerk of the court shall disburse to the treasurer of state. The clerk of the court shall disburse the remainder of the fine to the county treasurer.

Sec. 1309.40. (A) Presentation for filing of a financing statement, tender of the filing fee, and acceptance of the statement by the filing officer constitute filing under sections 1309.01 to 1309.50 of the Revised Code.

(B)(1) Except as provided in divisions (B)(2) and (F) of this section, a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five-year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of sixty days or until expiration of the five-year period, whichever occurs later. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(2) A filed financing statement that states that it relates to an obligation secured by both (a) a mortgage upon real estate filed for record within this state and (b) a security interest in collateral, whether or not such collateral includes or consists of goods which are or are to become fixtures situated upon such real estate, shall, if such financing statement states a maturity date of such obligation, or the final installment thereof, of more than five years, be fully effective until the maturity date set forth therein. Such financing statement shall also contain a reference to the recorder's file number of the mortgage upon real estate or to the volume and page of the mortgage record in which such mortgage is recorded.

(C) A continuation statement may be filed by the secured party within six months prior to the expiration of the five-year period specified in division (B)(1) of this section, or within six months prior to the stated maturity date referred to in division (B)(2) of this section. A continuation statement shall be filed on a form prescribed by the secretary of state. A continuation statement filed in the office of the county recorder shall also comply with Chapter 317. of the Revised Code. The continuation statement must be signed by the secured party, identify the original statement by file number, and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with division (B) of section 1309.42 of the Revised Code, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in division (B) of this section unless another continuation statement is filed

ior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. The filing officer may remove a lapsed statement from the files and destroy it immediately if the filing officer has retained a microfilm or other photographic record, or in other cases one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if the filing officer physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under division (B)(2) or (F) of this section shall be retained.

(D) Except as provided in division (G) of this section, a filing officer shall assign each statement a consecutive file number and shall hold the statement or a microfilm or other photographic or digitized copy thereof for public inspection. In addition, the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number, the date and hour of filing, and the address of the debtor given in the statement. In addition to the indexing required in the previous sentence, statements covering crops growing or to be grown or timber to be cut or minerals or the like, including oil and gas, or accounts subject to division (E) of section 1309.03 of the Revised Code, or a financing statement filed as a fixture filing pursuant to section 1309.32 of the Revised Code shall also be indexed in the real estate mortgage records by the filing officer according to the name of the debtor or, if the financing statement shows the record owner or record lessee to be other than the debtor, then according to the name of the record owner or record lessee given in the statement. The fee to be charged for indexing financing statements in the real estate mortgage records shall be two dollars for each record owner or lessee listed in the statement, as provided in division (E) of section 317.32 of the Revised Code.

(E) The fee for filing, indexing, and furnishing filing data for an original, amended, or a continuation statement on a form that is prescribed by the secretary of state shall be ~~nine~~ twelve dollars. The fee for filing, indexing, and furnishing filing data for an original, amended, or a continuation statement on a form that is not prescribed by the secretary of state and that is filed in the office of the county recorder shall be eleven dollars.

(F) If the debtor is a transmitting utility and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage that is effective as a fixture filing under division (E) of section

1309.39 of the Revised Code remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(G) If the person filing any original or amended financing statement, termination statement, statement of assignment, or statement of release requests a copy thereof, the filing officer shall note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(H)(1) Upon request of any person, the filing officer shall issue a certificate showing whether there is on file on the date and hour stated ~~therein in the certificate~~, any presently effective financing statement naming a particular debtor, owner, or lessee, and any statement of assignment ~~thereof of the financing statement~~, and, if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party ~~therein in each such statement~~. The fee for such a certificate shall be ~~nine~~ twenty dollars ~~plus one dollar for each financing statement and for each statement of assignment reported therein~~. Upon

(2) Upon request, the a county recorder who is a filing officer shall furnish to any person a copy of any filed financing statement or naming a particular debtor, owner, or lessee and any filed statement of assignment of the financing statement. When such a request for copies is made in the office of the county recorder, the county recorder shall charge a fee of one dollar per page. When a request for copies is made in the office of the secretary of state, the fee shall not exceed one dollar per page.

(3) Any person may request from the secretary of state a copy of any financing statement naming a particular debtor, owner, or lessee, and of any statement of assignment of the financing statement, that is on file with the secretary of state. The request shall be made in writing to the secretary of state, and the secretary of state shall charge and collect a fee of five dollars for each copy requested.

Sec. 1309.401. ~~Through June 30, 2001, four dollars and fifty cents, and, on and after July 1, 2001, four dollars, of each fee collected by the secretary of state under sections 1309.42 and 1309.43 and divisions (E) and (H) of section 1309.40 of the Revised Code, and all of the fees collected by the secretary of state under section 1309.402 (A) All fees collected by the secretary of state for filings under Title XIII or XVII of the Revised Code, shall be deposited in into the state treasury to the credit of the corporate and uniform commercial code filing fund, which is hereby created. The remainder of each such fee shall be deposited in the general revenue fund. All moneys credited to the corporate and uniform commercial code filing~~

fund, subject to division (B) of this section, shall be used only for the purpose of paying for the operations of the office of the secretary of state, other than the division of elections, and for the purpose of paying for expenses relating to the processing of filings under Title XIII or XVII and Chapter 1329. of the Revised Code and the uniform commercial code.

(B) The secretary of state business technology fund is hereby created in the state treasury. One per cent of the money credited to the corporate and uniform commercial code filing fund shall be transferred to the credit of this fund. All moneys credited to this fund shall be used only for the upkeep, improvement, or replacement of equipment, or for the purpose of training employees in the use of equipment, used to conduct business of the secretary of state's office under Title XIII or XVII of the Revised Code.

Sec. 1309.402. The fee for expedited filing service by the secretary of state for any filing under this chapter is ~~ten dollars in addition to~~ shall be the fee set by rule under division (A) of section 111.23 of the Revised Code plus the fee the secretary of state is otherwise required to collect for the filing under this chapter.

Sec. 1309.42. (A) A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement, the filing officer shall proceed as provided in division (D) of section 1309.40 of the Revised Code. The fee for filing, indexing, and furnishing filing data for a financing statement so indicating an assignment shall be ~~nine~~ twelve dollars.

(B) A secured party may assign of record all or a part of the secured party's rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment. The statement of assignment shall be on a form prescribed by the secretary of state, shall be signed by the secured party of record, shall set forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement, and the name and address of the assignee, and shall contain a description of the collateral assigned. A statement of assignment filed in the office of the county recorder shall also comply with Chapter 317. of the Revised Code. On presentation to the filing officer of a separate statement of assignment, the filing officer shall mark the separate statement with the date and hour of filing. The filing officer shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering crops growing or to be grown or

timber to be cut, or covering minerals or the like, including oil and gas, or accounts subject to division (E) of section 1309.03 of the Revised Code, the filing officer shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, the filing officer shall index the assignment of the financing statement under the name of the assignee. The fee for filing, indexing, and furnishing filing data about such a separate statement of assignment shall be ~~nine~~ twelve dollars if on a form prescribed by the secretary of state. The fee for filing, indexing, and furnishing filing data about such a separate statement of assignment on a form that is not prescribed by the secretary of state and that is filed in the office of the county recorder shall be eleven dollars. Notwithstanding the provisions of this division, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing pursuant to division (E) of section 1309.39 of the Revised Code may be made only by an assignment of the mortgage in the manner provided by the law of this state other than sections 1309.01 to 1309.50 of the Revised Code.

(C) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

Sec. 1309.525. (A) Except as provided in division (C) of this section, the fee for filing and indexing a record under sections 1309.501 to 1309.527 of the Revised Code is twelve dollars.

(B) The fee for responding to a request for information from the filing office, including for communicating whether there is on file any financing statement naming a particular debtor is:

(1) Twenty dollars if the request is communicated in writing;

(2) Twenty dollars if the request is communicated by another medium authorized by the filing office rule.

However, the fee otherwise required under division (B) of this section is five dollars if the request is limited to communicating only whether there is on file any financing statement naming a particular debtor and the name of the secured party or record relating thereto. Division (B) of this section does not require that a fee be charged for remote access searching of the filing office data base.

(C) This section does not require a fee with respect to a record of a mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under division (C) of section 1309.502 of the Revised Code. However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

Sec. 1329.01. (A) As used in sections 1329.01 to 1329.10 of the Revised Code:

(1) "Trade name" means a name used in business or trade to designate the business of the user and to which the user asserts a right to exclusive use.

(2) "Fictitious name" means a name used in business or trade that is fictitious and that the user has not registered or is not entitled to register as a trade name. It does not include the name of record of any domestic corporation that is formed under Chapter 1701. or 1702. of the Revised Code, any foreign corporation that is registered pursuant to Chapter 1703. of the Revised Code, any domestic or foreign limited liability company that is formed under or registered pursuant to Chapter 1705. of the Revised Code, any domestic or foreign limited partnership that is formed under or registered pursuant to Chapter 1782. of the Revised Code, or any domestic or foreign limited liability partnership that is formed under or registered pursuant to Chapter 1775. of the Revised Code.

(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 the Ohio county in which its certificate of limited partnership or application for registration as a foreign limited partnership is filed;

(c) If the applicant is a limited partnership to which division (B)(1)(b) of this section does not apply or is a corporation, professional association, limited liability company, or other entity, the form of the entity and the state under the laws of which it was formed.

(2) The trade name to be registered;

(3) The general nature of the business conducted by the applicant;

(4) The length of time during which the trade name has been used by the applicant in business operations in this state.

(C) The trade name application shall be signed by the applicant or by any authorized representative of the applicant.

A single trade name may be registered upon each trade name application submitted under sections 1329.01 to 1329.10 of the Revised Code.

The trade name application shall be accompanied by a filing fee of ~~twenty~~ fifty dollars, payable to the secretary of state.

(D) Any person who does business under a fictitious name and who has not registered and does not wish to register the fictitious name as a trade name or who cannot do so because the name is not available for registration shall report the use of the fictitious name to the secretary of state, on a form prescribed by the secretary of state, setting forth all of the following:

(1) The name and business address of the user and any of the following that is applicable:

(a) If the user is a general partnership, the names and residence addresses of all the partners;

(b) If the user is a limited partnership existing prior to July 1, 1994, that has not been registered with the secretary of state pursuant to Chapter 1782. of the Revised Code, the name of the Ohio county in which its certificate of limited partnership or application for registration as a foreign limited partnership is filed;

(c) If the user is a limited partnership to which division (D)(1)(b) of this section does not apply or is a corporation, professional association, limited liability company, or other entity, the form of the entity and the state under whose laws it was formed.

(2) The fictitious name being used;

(3) The general nature of the business conducted by the user.

(E) The report of use of a fictitious name shall be signed by the user or by any authorized representative of the user.

A single fictitious name may be registered upon each fictitious name report submitted under sections 1329.01 to 1329.10 of the Revised Code.

The fictitious name report shall be accompanied by a filing fee of ~~ten~~ fifty dollars, payable to the secretary of state.

A report under this division shall be made within thirty days after the date of the first use of the fictitious name.

Sec. 1329.04. Registration of a trade name or report of a fictitious name, under sections 1329.01 to 1329.10 of the Revised Code, shall be effective for a term of five years from the date of registration or report. Upon application filed within six months prior to the expiration of such term, on a

form furnished by the secretary of state, the registration or report may be renewed at the end of each five-year period for a like term, provided that a general partnership shall renew its registration or report whenever there has been a change in the listing of partners on its registration or report and a limited partnership shall renew its registration or report when a change occurs in the listing of its general partners on its registration or report. Such a renewal shall extend the registration or report for five years, unless further changes occur in the interim. ~~A~~ The renewal fee specified in division (S)(3) of ~~ten dollars~~ section 111.16 of the Revised Code, payable to the secretary of state, shall accompany the application for renewal of the registration or report.

The secretary of state shall notify persons who have registered trade names or reported fictitious names, within the six months next preceding the expiration of the five years from the date of registration or report, of the necessity of renewal by writing to the last known address of such persons.

Sec. 1329.06. Any trade name or fictitious name and its registration or report shall be assignable by an instrument in writing duly executed and may be recorded with the secretary of state upon the payment of a the fee specified in division (S)(4) of ~~ten dollars~~ section 111.16 of the Revised Code, payable to the secretary of state, who, recording the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or report or the last renewal thereof. The instrument shall be on a form prescribed by the secretary of state.

Sec. 1329.07. The registrant of any trade name or a person who reports a fictitious name shall record all changes of the registrant's business address by filing with the secretary of state a statement in writing, on a form prescribed by the secretary of state, setting forth the name previously registered or reported, the date of the registration or report, and the new address of the applicant. ~~A~~ The filing fee specified in division (S)(4) of ~~three dollars~~ section 111.16 of the Revised Code shall accompany ~~such~~ the statement.

Sec. 1329.42. A person who uses in this state a name, mark, or device to indicate ownership of articles or supplies may file in the office of the secretary of state, on a form to be prescribed by the secretary of state, a verified statement setting forth, but not limited to, the following information:

- (A) The name and business address of the person filing the statement; and, if a corporation, the state of incorporation;
- (B) The nature of the business of the applicant;
- (C) The type of articles or supplies in connection with which the name,

mark, or device is used.

The statement shall include or be accompanied by a specimen evidencing actual use of the name, mark, or device, together with ~~a the~~ the filing fee specified in division (U)(1) of ~~twenty dollars~~ section 111.16 of the Revised Code. The registration of a name, mark, or device pursuant to this section is effective for a ten-year period beginning on the date of registration. If an application for renewal is filed within six months prior to the expiration of the ten-year period on a form prescribed by the secretary of state, the registration may be renewed at the end of each ten-year period for an additional ten-year period. ~~A~~ The renewal fee specified in division (U)(2) of ~~ten dollars~~ section 111.16 of the Revised Code shall accompany the application for renewal. The secretary of state shall notify a registrant within the six months next preceding the expiration of ten years from the date of registration of the necessity of renewal by writing to the last known address of the registrant.

Sec. 1329.421. The registrant of a name, mark, or device used to indicate ownership shall record all changes of the registrant's business address by filing with the secretary of state a written statement, on a form prescribed by the secretary of state, of the new address. ~~A~~ The filing fee of ~~three dollars~~ specified in division (U)(2) of section 111.16 of the Revised Code shall accompany the statement.

Sec. 1329.45. The certificate of the filing of any name, mark, or device under sections 1329.41 to 1329.53 of the Revised Code and the benefits obtained ~~thereunder~~ under it shall be assignable with the sale of the articles or supplies on which the same are produced and used. Assignments shall be by instruments in writing duly executed and may be recorded upon the payment of ~~a~~ the fee specified in division (U)(2) of ~~ten dollars~~ section 111.16 of the Revised Code, payable to the secretary of state, who, after recording the assignment, upon request of the assignee, may issue in the assignee's name a new certificate. The instrument shall be on a form prescribed by the secretary of state.

Sec. 1329.56. (A) Subject to the limitations set forth in sections 1329.54 to 1329.67 of the Revised Code, any person who adopts and uses a trademark or service mark in this state may file in the office of the secretary of state, on a form to be prescribed by the secretary of state, an application for registration of that trademark or service mark that sets forth, but is not limited to, the following information:

(1) The name and business address of the person applying for the registration; if the person is a corporation, the state of its incorporation; if the person is a partnership or limited liability partnership, the state in which

the partnership is organized and the names of the general partners; and, if the person is a limited liability company, the state of its organization;

(2) The goods or services on or in connection with which the mark is used, the mode or manner in which the mark is used on or in connection with the goods or services, and the class in which the goods or services fall;

(3) The date when the mark was first used anywhere and the date when it was first used in this state by the applicant or the applicant's predecessor in interest;

(4) A statement that the applicant is the owner of the mark, that the mark is in use, and that, to the knowledge of the person verifying the application, no other person has the right to use the mark in the state either in the identical form of the mark, or in near resemblance to the mark, as to be likely, when used on or in connection with the goods or services of another person, to cause confusion or mistake or to deceive;

(5) A statement that, to the knowledge of the person verifying the application, no other person has a registration or a pending intent to use application of the same or a confusingly similar mark in the United States patent and trademark office for the same or similar goods or services or a statement that the applicant is the owner of a concurrent registration in the United States patent and trademark office of the applicant's mark covering an area including this state.

(B) The application shall be signed and verified by the applicant, by an authorized representative, or by an officer of the firm, limited liability company, limited liability partnership, general partnership, or limited partnership, corporation, union, association, or other organization that is the applicant.

(C) The application shall be accompanied by a specimen of the mark as actually used and shall contain a brief description of the mark as it appears on the specimen.

(D) The application shall be accompanied by a the filing fee specified in division (U)(1) of twenty dollars that is section 111.16 of the Revised Code, payable to the secretary of state.

Sec. 1329.58. Registration of a trademark or service mark under sections 1329.54 to 1329.67 of the Revised Code shall be effective for a term of ten years from the date of registration. Upon the filing of an application within six months prior to the expiration of that term on a form furnished by the secretary of state, the registrant may renew the registration at the end of each ten-year period for a similar term. ~~A~~ The renewal fee specified in division (U)(2) of ten dollars that is section 111.16 of the Revised Code, payable to the secretary of state, shall accompany the

renewal application. The renewal application shall require the applicant to state that the mark still is in use in this state.

Sec. 1329.60. Any trademark or service mark and its registration shall be assignable with the good will of the business in which the trademark or service mark is used, or with that part of the good will of the business connected with the use of and symbolized by the trademark or service mark. Assignment shall be by instruments in writing duly executed and may be recorded with the secretary of state upon the payment of a the fee specified in division (U)(2) of ten dollars section 111.16 of the Revised Code, payable to the secretary of state, who, after recording the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. The instrument shall be on a form prescribed by the secretary of state. An assignment of any registration shall be void as against any subsequent purchaser for valuable consideration without notice unless it is recorded with the secretary of state within three months after the date thereof or prior to such subsequent purchase.

Sec. 1329.601. The registrant of a trademark or service mark shall record all changes of the registrant's business address by filing a written statement, on a form prescribed by the secretary of state, of the new address with the secretary of state. ~~A~~ The filing fee of three dollars specified in division (U)(2) of section 111.16 of the Revised Code shall accompany the statement.

Sec. 1345.21. As used in sections 1345.21 to 1345.28 of the Revised Code:

(A) "Home solicitation sale" means a sale of consumer goods or services in which the seller or a person acting for the seller engages in a personal solicitation of the sale at a residence of the buyer, including solicitations in response to or following an invitation by the buyer, and the buyer's agreement or offer to purchase is there given to the seller or a person acting for the seller, or in which the buyer's agreement or offer to purchase is made at a place other than the seller's place of business. It does not include a transaction or transactions in which:

(1) The total purchase price to be paid by the buyer, whether under single or multiple contracts, is less than twenty-five dollars;

(2) The transaction was conducted and consummated entirely by mail or by telephone if initiated by the buyer, and without any other contact between the seller or the seller's representative prior to the delivery of goods or performance of the service;

(3) The final agreement is made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a

fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis;

(4) The buyer initiates the contact between the parties for the purpose of negotiating a purchase and the seller has a business establishment at a fixed location in this state where the goods or services involved in the transaction are regularly offered or exhibited for sale.

Advertisements by such a seller in newspapers, magazines, catalogues, radio, or television do not constitute the seller initiation of the contact.

(5) The buyer initiates the contact between the parties, the goods or services are needed to meet a bona fide immediate personal emergency of the buyer which will jeopardize the welfare, health, or safety of natural persons, or endanger property which the buyer owns or for which the buyer is responsible, and the buyer furnishes the seller with a separate, dated, and signed statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within three business days;

(6) The buyer has initiated the contact between the parties and specifically requested the seller to visit the buyer's home for the purpose of repairing or performing maintenance upon the buyer's personal property. If, in the course of such a visit, the seller sells the buyer additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services does not fall within this exclusion.

(7) The buyer is accorded the right of rescission by the "Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 1635, or regulations adopted pursuant to it.

(B) "Sale" includes a lease or rental.

(C) "Seller" includes a lessor or anyone offering goods for rent.

(D) "Buyer" includes a lessee or anyone who gives a consideration for the privilege of using goods.

(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.

(F) "Consumer goods or services" does not include goods or services pertaining to any of the following:

(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;

(2) The sale of securities or commodities by a broker-dealer registered with the securities and exchange commission;

(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;

(4) The sale of insurance by a person licensed by the superintendent of insurance;

(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;

(6) The sale of property at an auction by an auctioneer licensed by the department of ~~commerce~~ agriculture under Chapter 4707. of the Revised Code.

(G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.

(H) "Place of business" means the main office, or a permanent branch office or permanent local address of a seller.

(I) "Business day" means any calendar day except Sunday, or the following business holidays: New Year's day, Presidents' day, Memorial day, Independence day, Labor day, Columbus day, Veterans day, Thanksgiving day, and Christmas day.

Sec. 1501.01. Except where otherwise expressly provided, the director of natural resources shall formulate and institute all the policies and programs of the department of natural resources. The chief of any division of the department shall not enter into any contract, agreement, or understanding unless it is approved by the director. No appointee or employee of the director, other than the assistant director, may bind the director in a contract except when given general or special authority to do so by the director.

The director shall correlate and coordinate the work and activities of the divisions in the department to eliminate unnecessary duplications of effort and overlapping of functions. The chiefs of the various divisions of the department shall meet with the director at least once each month at a time and place designated by the director.

The director may create advisory boards to any of those divisions in conformity with section 121.13 of the Revised Code.

The director may accept and expend gifts, devises, and bequests of money, lands, and other properties on behalf of the department or any division thereof under the terms set forth in section 9.20 of the Revised Code. Any political subdivision of this state may make contributions to the

department for the use of the department or any division therein according to the terms of the contribution.

The director may publish and sell or otherwise distribute data, reports, and information.

The director shall adopt rules in accordance with Chapter 119. of the Revised Code to permit the department to accept by means of a credit card the payment of fees, charges, and rentals at those facilities described in section 1501.07 of the Revised Code that are operated by the department, for any data, reports, or information sold by the department, and for any other goods or services provided by the department.

Whenever authorized by the governor to do so, the director may appropriate property for the uses and purposes authorized to be performed by the department and on behalf of any division within the department. This authority shall be exercised in the manner provided in sections 163.01 to 163.22 of the Revised Code for the appropriation of property by the director of administrative services. This authority to appropriate property is in addition to the authority provided by law for the appropriation of property by divisions of the department. The director of natural resources also may acquire by purchase, lease, or otherwise such real and personal property rights or privileges in the name of the state as are necessary for the purposes of the department or any division therein. The director, with the approval of the governor and the attorney general, may sell, lease, or exchange portions of lands or property, real or personal, of any division of the department or grant easements or licenses for the use thereof, or enter into agreements for the sale of water from lands and waters under the administration or care of the department or any of its divisions, when the sale, lease, exchange, easement, agreement, or license for use is advantageous to the state, provided that such approval is not required for leases and contracts made under ~~section 1507.12, if any, or~~ section 1501.07, 1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water may be sold from a reservoir only to the extent that the reservoir was designed to yield a supply of water for a purpose other than recreation or wildlife, and the water sold is in excess of that needed to maintain the reservoir for purposes of recreation or wildlife.

Money received from such sales, leases, easements, exchanges, agreements, or licenses for use, except revenues required to be set aside or paid into depositories or trust funds for the payment of bonds issued under sections 1501.12 to 1501.15 of the Revised Code, and to maintain the required reserves therefor as provided in the orders authorizing the issuance of such bonds or the trust agreements securing such bonds, revenues

required to be paid and credited pursuant to the bond proceeding applicable to obligations issued pursuant to section 154.22, and revenues generated under section 1520.05 of the Revised Code, shall be deposited in the state treasury to the credit of the fund of the division of the department having prior jurisdiction over the lands or property. If no such fund exists, the money shall be credited to the general revenue fund. All such money received from lands or properties administered by the division of wildlife shall be credited to the wildlife fund.

The director shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by the department or its employees prior to paying them to the treasurer of state under section 113.08 of the Revised Code.

The director shall cooperate with the nature conservancy, other nonprofit organizations, and the United States fish and wildlife service in order to secure protection of islands in the Ohio river and the wildlife and wildlife habitat of those islands.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

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.

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.

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 from the fund for the purpose of supporting market development activities for scrap tires. The grants may be awarded to individuals, businesses, and entities certified under division (B) of section 1502.04 of the Revised Code.

(B) Projects and activities that are eligible for grants under this section shall be evaluated for funding using, at a minimum, the following criteria:

(1) The degree to which a proposed project contributes to the increased use of scrap tires generated in this state;

(2) The degree of local financial support for a proposed project;

(3) The technical merit and quality of a proposed project.

Sec. 1503.011. The chief of the division of forestry shall be responsible for the conservation and development of forests within this state. ~~He~~ The chief shall be concerned with silvicultural practices, including the proper planting, growing, protecting, harvesting, and managing of trees for such purposes as watershed and soil protection, timber production and utilization, recreation, aesthetics, wildlife habitat development, and urban enhancement and for all benefits that forests provide.

The chief may do any or all of the following:

(A) Provide rural forestry assistance to nonindustrial private forest landowners, including advice in tree planting, forest improvement, harvesting, and all aspects of conservation;

(B) Provide urban forestry assistance to individuals, nonprofit organizations, and political subdivisions to manage their urban forest resource and develop comprehensive tree care programs;

(C) Provide wood utilization, marketing, and rural forestry development assistance to forest industries, political subdivisions and agencies thereof, and state and federal agencies for the purpose of establishing and maintaining a viable, economically sound wood-based industry while expanding the forest resource of this state;

(D) Provide forest pest protection assistance to forest landowners, political subdivisions and agencies thereof, and state and federal agencies on assessing and evaluating the health and vigor of the forest resource;

(E) Provide technical assistance to landowners in developing forest windbreaks, filter strips, and other forest management practices that provide conservation benefits;

(F) Provide awareness of and education concerning the programs provided for under divisions (A) to (E) of this section;

(G) Enter into agreements with political subdivisions and agencies thereof, state and federal agencies, firefighting agencies and private fire companies, as those terms are defined in section 9.60 of the Revised Code, nonprofit organizations, and individuals to meet the needs of forestry assistance in this state and, in accordance with ~~sections~~ section 1503.01 ~~and 1503.35~~ of the Revised Code, develop and administer grant programs for any of those entities requesting assistance. The chief shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing such requirements and procedures as are necessary to implement this division.

As used in this section, "nonprofit organization" has the same meaning as in section 4141.01 of the Revised Code.

Sec. 1507.01. There is hereby created in the department of natural resources the division of engineering to be administered by the chief engineer of the department, who shall be a professional engineer registered under Chapter 4733. of the Revised Code. The chief engineer shall do all of the following:

(A) Administer this chapter;

(B) Provide engineering, architectural, land surveying, and related administrative and maintenance support services to the other divisions in the department;

(C) Upon request of the director of natural resources, implement the department's capital improvement program and facility maintenance projects, including all associated engineering, architectural, design, contracting, surveying, inspection, and management responsibilities and requirements;

(D) With the approval of the director, act as contracting officer in departmental engineering, architectural, surveying, and construction matters regarding capital improvements except for those matters otherwise specifically provided for in law;

~~(E) As long as the state retains ownership of the Burr Oak water system, administer, operate, and maintain the Burr Oak water system and, with the approval of the director, act as contracting agent in matters concerning that system;~~

~~(F)~~ Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code;

~~(G)~~~~(F)~~ Coordinate the department's roadway maintenance program with the department of transportation pursuant to section 5511.05 of the Revised Code and maintain the roadway inventory of the department of natural resources;

~~(H) Coordinate the department's emergency response activities with the emergency management agency created in section 5502.22 of the Revised Code;~~

~~(G)~~ Coordinate the department's projects, programs, policies, procedures, and activities with the United States army corps of engineers;

~~(H)~~ Subject to the approval of the director, employ professional and technical assistants and such other employees as are necessary for the performance of the activities required or authorized under this chapter, other work of the division, and any other work agreed to under working agreements or contractual arrangements; prescribe their duties; and fix their compensation in accordance with such schedules as are provided by law for the compensation of state employees.

Sec. 1509.06. An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply shall be filed with the chief of the division of mineral resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:

(A) The name and address of the owner and, if a corporation, the name and address of the statutory agent;

(B) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.

(C) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;

(D) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county;

(E) Designation of the well by name and number;

(F) The geological formation to be tested or used and the proposed total depth of the well;

(G) The type of drilling equipment to be used;

(H) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected;

(I) A sworn statement that all requirements of any municipal corporation, county, or township having jurisdiction over any activity related to the drilling or operation of an oil or gas well that have been filed with the division of mineral resources management and are in effect at the

time the application is filed, including, but not limited to, zoning ordinances and resolutions and the requirements of section 4513.34 of the Revised Code, will be complied with until abandonment of the well;

(J) A plan for restoration of the land surface disturbed by drilling operations. The plan shall provide for compliance with the restoration requirements of division (A) of section 1509.072 of the Revised Code and any rules adopted by the chief pertaining to that restoration.

(K) A description by name or number of the county, township, and municipal corporation roads, streets, and highways that the applicant anticipates will be used for access to and egress from the well site;

(L) Such other relevant information as the chief prescribes by rule.

Each application shall be accompanied by a map, on a scale not smaller than four hundred feet to the inch, prepared by an Ohio registered surveyor, showing the location of the well and containing such other data as may be prescribed by the chief. If the well is or is to be located within the excavations and workings of a mine, the map also shall include the location of the mine, the name of the mine, and the name of the person operating the mine.

The chief shall cause a copy of the weekly circular prepared by the division to be provided to the county engineer of each county that contains active or proposed drilling activity. The weekly circular shall contain, in the manner prescribed by the chief, the names of all applicants for permits, the location of each well or proposed well, the information required by division (K) of this section, and any additional information the chief prescribes.

The chief shall not issue a permit for at least ten days after the date of filing of the application for the permit unless, upon reasonable cause shown, the chief waives that period or a request for expedited review is filed under this section. However, the chief shall issue a permit within twenty-one days of the filing of the application unless the chief denies the application by order.

An applicant may file a request with the chief for expedited review of a permit application if the well is not or is not to be located in a gas storage reservoir or reservoir protective area, as "reservoir protective area" is defined in section 1571.01 of the Revised Code. If the well is or is to be located in a coal bearing township, the application shall be accompanied by the affidavit of the landowner prescribed in section 1509.08 of the Revised Code.

In addition to a complete application for a permit that meets the requirements of this section and the permit fee prescribed by this section, a request for expedited review shall be accompanied by a separate

nonrefundable filing fee of five hundred dollars. Upon the filing of a request for expedited review, the chief shall cause the county engineer of the county in which the well is or is to be located to be notified of the filing of the permit application and the request for expedited review by telephone or other means that in the judgment of the chief will provide timely notice of the application and request. The chief shall issue a permit within seven days of the filing of the request unless the chief denies the application by order. Notwithstanding the provisions of this section governing expedited review of permit applications, the chief may refuse to accept requests for expedited review if, in the chief's judgment, the acceptance of the requests would prevent the issuance, within twenty-one days of their filing, of permits for which applications are pending.

A well shall be drilled and operated in accordance with the plans, sworn statements, and other information submitted in the approved application.

The chief shall issue an order denying a permit if the chief finds that there is a substantial risk that the operation will result in violations of this chapter or rules adopted under it that will present an imminent danger to public health or safety or 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 activities present an imminent and substantial threat to public health or safety or to miners' health or safety. Before issuing any such order, the chief shall notify the owner in such manner as in the chief's judgment would provide reasonable notification that the chief intends to issue a suspension order. The chief may issue such an order without prior notification if reasonable attempts to notify the owner have failed, but in such an event notification shall be given as soon thereafter as practical. Within five calendar days after the issuance of

the order, the chief shall provide the owner an opportunity to be heard and to present evidence that the condition or activity is not likely to result in immediate substantial damage to natural resources or does not present an imminent danger to public health or safety or to miners' health or safety, if applicable. In the case of activities in a coal bearing township, if the chief, after considering evidence presented by the owner, determines that the activities do not present such a threat, the chief shall revoke the suspension order. Notwithstanding any provision of this chapter, the owner may appeal a suspension order directly to the court of common pleas of the county in which the activity is located or, if in a coal bearing township, to the ~~mine examining board~~ reclamation commission under section 1513.13 of the Revised Code.

Sec. 1509.071. (A) When the chief of the division of mineral resources management finds that an owner has failed to comply with the restoration requirements of section 1509.072, plugging requirements of section 1509.12, or permit provisions of section 1509.13 of the Revised Code, or rules and orders relating thereto, the chief shall make a finding of that fact and declare any surety bond filed to ensure compliance with those sections and rules forfeited in the amount set by rule of the chief. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the forfeiture.

In lieu of total forfeiture, the surety, at its option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code. The fund shall be expended by the chief for the following purposes in addition to the other purposes specified in that section:

(1) In accordance with division (D) of this section, to plug wells or to restore the land surface properly as required in section 1509.072 of the Revised Code for which the bonds have been forfeited, for abandoned wells for which no funds are available to plug the wells in accordance with this chapter, or to use abandoned wells for the injection of oil or gas production wastes;

(2) In accordance with division (E) of this section, to correct conditions that the chief reasonably has determined are causing imminent health or safety risks.

Expenditures from the fund shall be made only for lawful purposes.

(C)(1) Upon determining that the owner of a well has failed to properly

plug and abandon it or to properly restore the land surface at the well site in compliance with the applicable requirements of this chapter and applicable rules adopted and orders issued under it or that a well is an abandoned well for which no funds are available to plug the well in accordance with this chapter, the chief shall do all of the following:

(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 entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in such a contract. Agents or employees of persons contracting with the chief for the restoration, plugging, and injection projects may enter upon any land, public or private, ~~for which a project has been approved by the controlling board and~~ on which the well is located, for the purpose of performing the work. Prior to such entry, the chief shall give to the following persons written notice of the existence of a contract for a project to restore, plug, or inject oil or gas

production wastes into a well, the names of the persons with whom the contract is made, and the date that the project will commence: the owner of the well, the owner of the land upon which the well is located, the owner or agents of adjoining land, and, if the well is located in the same township as or in a township adjacent to the excavations and workings of a mine and the owner or lessee of that mine has provided written notice identifying those townships to the chief at any time during the immediately preceding three years, the owner or lessee of the mine.

~~The chief periodically shall submit project proposals under division (D)(1) of this section to the controlling board, together with benefit and cost data and other pertinent information. Expenditures from the fund for the purpose of division (D)(1) of this section may be made only for restoration, plugging, or injection projects that are approved by the controlling board, and expenditures for a particular project may not exceed any limits set by the board.~~

(2)(a) The owner of the land on which a well is located who has received notice under division (C)(1)(b) of this section may plug the well and be reimbursed by the division for the reasonable cost of plugging the well. In order to plug the well, the landowner shall submit an application to the chief on a form prescribed by the chief and approved by the technical advisory council on oil and gas created in section 1509.38 of the Revised Code. The application, at a minimum, shall require the landowner to provide the same information as is required to be included in the application for a permit to plug and abandon under section 1509.13 of the Revised Code. The application shall be accompanied by a copy of a proposed contract to plug the well prepared by a contractor regularly engaged in the business of plugging oil and gas wells. The proposed contract shall require the contractor to furnish all of the materials, equipment, work, and labor necessary to plug the well properly and shall specify the price for doing the work, including a credit for the equipment appurtenant to the well that was forfeited to the state through the operation of division (C)(2) of this section. The application also shall be accompanied by the permit fee required by section 1509.13 of the Revised Code unless the chief, in the chief's discretion, waives payment of the permit fee. The application constitutes an application for a permit to plug and abandon the well for the purposes of section 1509.13 of the Revised Code.

(b) Within thirty days after receiving an application and accompanying proposed contract under division (D)(2)(a) of this section, the chief shall determine whether the plugging would comply with the applicable requirements of this chapter and applicable rules adopted and orders issued

under it and whether the cost of the plugging under the proposed contract is reasonable. If the chief determines that the proposed plugging would comply with those requirements and that the proposed cost of the plugging is reasonable, the chief shall notify the landowner of that determination and issue to the landowner a permit to plug and abandon the well under section 1509.13 of the Revised Code. Upon approval of the application and proposed contract, the chief shall transfer ownership of the equipment appurtenant to the well to the landowner. The chief may disapprove an application submitted under division (D)(2)(a) of this section if the chief determines that the proposed plugging would not comply with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, that the cost of the plugging under the proposed contract is unreasonable, or that the proposed contract is not a bona fide, arms length contract.

(c) After receiving the chief's notice of the approval of the application and permit to plug and abandon a well under division (D)(2)(b) of this section, the landowner shall enter into the proposed contract to plug the well. The plugging shall be completed within one hundred eight days after the landowner receives the notice of approval and permit.

(d) Upon determining that the plugging has been completed within the time required by division (D)(2)(c) of this section and has been completed in compliance with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, the chief shall reimburse the landowner for the cost of the plugging as set forth in the proposed contract approved by the chief. The reimbursement shall be paid from the oil and gas well fund. If the chief determines that the plugging was not completed within the required time or was not completed in accordance with the applicable requirements, the chief shall not reimburse the landowner for the cost of the plugging, and the landowner or the contractor, as applicable, promptly shall transfer back to this state title to and possession of the equipment appurtenant to the well that previously was transferred to the landowner under division (D)(2)(b) of this section. If any such equipment was removed from the well during the plugging and sold, the landowner shall pay to the chief the proceeds from the sale of the equipment, and the chief promptly shall pay the moneys so received to the treasurer of state for deposit into the oil and gas well fund.

The chief may establish an annual limit on the number of wells that may be plugged under division (D)(2) of this section or an annual limit on the expenditures to be made under that division.

As used in division (D)(2) of this section, "plug" and "plugging" include

the plugging of the well and the restoration of the land surface disturbed by the plugging.

(E) Expenditures from the oil and gas well fund for the purpose of division (B)(2) of this section may be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in such a contract. The competitive bidding requirements of Chapter 153. of the Revised Code do not apply if the chief reasonably determines that correction of the applicable health or safety risk requires immediate action. The chief, designated representatives of the chief, and agents or employees of persons contracting with the chief under this division may enter upon any land, public or private, for the purpose of performing the work.

(F) Contracts entered into by the chief under this section are not subject to either of the following:

(1) Chapter 4115. of the Revised Code;

(2) Section 153.54 of the Revised Code, except that the contractor shall obtain and provide to the chief as a bid guaranty a surety bond or letter of credit in an amount equal to ten per cent of the amount of the contract.

(G) The owner of land on which a well is located who has received notice under division (C)(1)(b) of this section, in lieu of plugging the well in accordance with division (D)(2) of this section, may cause ownership of the well to be transferred to an owner who is lawfully doing business in this state and who has met the financial responsibility requirements established under section 1509.07 of the Revised Code, subject to the approval of the chief. The transfer of ownership also shall be subject to the landowner's filing the appropriate forms required under this chapter and providing to the chief sufficient information to demonstrate the landowner's or owner's right to produce a formation or formations. That information may include a deed, a lease, or other documentation of ownership or property rights.

The chief shall approve or disapprove the transfer of ownership of the well. If the chief approves the transfer, the owner is responsible for operating the well in accordance with this chapter and rules adopted under it, including, without limitation, all of the following:

(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

rill 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 application by the chief to the ~~mine examining board~~ reclamation commission.

If the chief receives no objection from the owner or lessee of a mine as to the location of the well, but does receive an objection from the owner or lessee as to one or more locations within fifty feet of the original location as possible sites for relocation of the well within ten days after receipt of the notice by the owner or lessee, and if in the opinion of the chief the objection is well founded, the chief nevertheless shall approve the application and issue a permit if the provisions of this chapter pertaining to the issuance of such a permit have been complied with, incorporating as a term or condition of the permit that the applicant is prohibited from commencing drilling at any location within fifty feet of the original location that has been disapproved by the chief. The applicant may appeal to the ~~mine examining board~~ reclamation commission the terms and conditions of the permit prohibiting the commencement of drilling at any such location disapproved by the chief.

Any such appeal shall be filed within fifteen days, notwithstanding provisions in division (A)(1) of section 1513.13 of the Revised Code to the contrary, from the date the applicant receives notice of the disapproval of

the application, any other location within fifty feet of the original location, or terms or conditions of the permit, or the owner or lessee receives notice of the chief's decision. No approval or disapproval of an application shall be delayed by the chief for more than fifteen days from the date of sending the notice of the application to the mine owner or lessee as required by this section.

All appeals provided for in this section shall be treated as expedited appeals. The ~~mine examining board~~ reclamation commission shall hear any such appeal in accordance with section ~~1561.53~~ 1513.13 of the Revised Code and ~~render issue~~ a decision within thirty days of the filing of the notice of appeal.

The chief shall not issue a permit to drill a new well or reopen a well that is or is to be located within three hundred feet of any opening of any mine used as a means of ingress, egress, or ventilation for persons employed in the mine, nor within one hundred feet of any building or inflammable structure connected with the mine and actually used as a part of the operating equipment of the mine, unless the chief determines that life or property will not be endangered by drilling and operating the well in that location.

Sec. 1509.11. The owner of any well producing or capable of producing oil or gas shall file with the chief of the division of mineral resources management, on or before the ~~fifteenth first~~ day of ~~April~~ March, a statement of production of oil, gas, and brine for the last preceding calendar year in such form as the chief may prescribe. The chief shall include on the form, at the minimum, a request for the submittal of the information that a person who is regulated under this chapter is required to submit under the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under it, and that the division does not obtain through other reporting mechanisms.

Sec. 1509.23. (A) Rules of the chief of the division of mineral resources management may specify practices to be followed in the drilling of wells and production of oil and gas for protection of public health or safety or to prevent damage to natural resources, including specification of devices, minimum distances that wells and other excavations, structures, and equipment shall be located from water wells, streets, roads, highways, railroad tracks, and buildings, other methods of operation, and procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges of oil from oil production facilities and oil drilling and workover facilities consistent with and equivalent in scope, content, and coverage to section 311(j)(1)(c) of the "Federal Water Pollution Control Act

Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended, and regulations adopted under it.

(B) The chief, in consultation with the emergency response commission created in section 3750.02 of the Revised Code, shall adopt rules in accordance with Chapter 119. of the Revised Code that specify the information that shall be included in an electronic database that the chief shall create and host. The information shall be that which the chief considers to be appropriate for the purpose of responding to emergency situations that pose a threat to public health or safety or the environment. At the minimum, the information shall include that which a person who is regulated under this chapter is required to submit under the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under it.

In addition, the rules shall specify whether and to what extent the database and the information that it contains will be made accessible to the public. The rules shall ensure that the database will be made available via the internet or a system of computer disks to the emergency response commission and to every local emergency planning committee and fire department in this state.

Sec. 1513.05. There is hereby created a reclamation commission consisting of seven members appointed by the governor with the advice and consent of the senate. For the purposes of hearing appeals under section 1513.13 of the Revised Code that involve mine safety issues, the reclamation commission shall consist of two additional members appointed specifically for that function by the governor with the advice and consent of the senate. All terms of office shall be for five years, commencing on the twenty-ninth day of June and ending on the twenty-eighth day of June. Each member shall hold office from the date of appointment until the end of the term for which the appointment was made. Each vacancy occurring on the commission shall be filled by appointment within sixty days after the vacancy occurs. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. ~~Two~~

Two of the appointees to the commission shall be persons who, at the time of their appointment, own and operate a farm or are retired farmers. Notwithstanding section 1513.04 of the Revised Code, one of the appointees to the commission shall be a person who, at the time of appointment, is the

representative of an operator of a coal mine. One of the appointees to the commission shall be a person who, by reason of the person's previous vocation, employment, or affiliations, can be classed as a representative of the public. One of the appointees to the commission shall be a person who, by reason of previous training and experience, can be classed as one learned and experienced in modern forestry practices. One of the appointees to the commission shall be a person who, by reason of previous training and experience, can be classed as one learned and experienced in agronomy. One of the appointees to the commission shall be either a person who, by reason of previous training and experience, can be classed as one capable and experienced in earth-grading problems, or a civil engineer. Not more than four members shall be members of the same political party.

The two additional members of the commission who are appointed specifically to hear appeals that involve mine safety issues shall be individuals who, because of previous vocation, employment, or affiliation, can be classified as representatives of employees currently engaged in mining operations. One shall be a representative of coal miners, and one shall be a representative of aggregates miners. Prior to making the appointment, the governor shall request the highest ranking officer in the major employee organization representing coal miners in this state to submit to the governor the names and qualifications of three nominees and shall request the highest ranking officer in the major employee organization representing aggregates miners in this state to do the same. The governor shall appoint one person nominated by each organization to the commission. The nominees shall have not less than five years of practical experience in dealing with mine health and safety issues and at the time of the nomination shall be employed in positions that involve the protection of the health and safety of miners. The major employee organization representing coal miners and the major employee organization representing aggregates miners shall represent a membership consisting of the largest number of coal miners and aggregates miners, respectively, in this state compared to other employee organizations in the year prior to the year in which the appointments are made.

When the commission hears an appeal that involves a coal mining safety issue, one of the commission members who owns and operates a farm or is a retired farmer shall be replaced by the additional member who is a representative of coal miners. When the commission hears an appeal that involves an aggregates mining safety issue, one of the commission members who owns and operates a farm or is a retired farmer shall be replaced by the additional member who is a representative of aggregates miners. Neither of

the additional members who are appointed specifically to hear appeals that involve mine safety issues shall be considered to be members of the commission for any other purpose, and they shall not participate in any other matters that come before the commission.

The commission may appoint a secretary to hold office at its pleasure. A commission member may serve as secretary. The secretary shall perform such duties as the commission prescribes, and shall receive such compensation as the commission fixes in accordance with such schedules as are provided by law for the compensation of state employees.

The commission shall appoint one or more hearing officers who shall be attorneys at law admitted to practice in this state to conduct hearings under this chapter.

Four members constitute a quorum, and no action of the commission shall be valid unless it has the concurrence of at least four members. The commission shall keep a record of its proceedings.

Each member shall be paid as compensation for work as a member one hundred fifty dollars per day when actually engaged in the performance of work as a member and when engaged in travel necessary in connection with such work. In addition to such compensation each member shall be reimbursed for all traveling, hotel, and other expenses, in accordance with the current travel rules of the office of budget and management, necessarily incurred in the performance of the member's work as a member.

Annually one member shall be elected as chairperson and another member shall be elected as vice-chairperson for terms of one year.

The governor may remove any member of the commission from office for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance, after delivering to the member the charges against the member in writing with at least ten days' written notice of the time and place at which the governor will publicly hear the member, either in person or by counsel, in defense of the charges against the member. If the member is removed from office, the governor shall file in the office of the secretary of state a complete statement of the charges made against the member and a complete report of the proceedings. The action of the governor removing a member from office is final.

The commission shall adopt rules governing procedure of appeals under section 1513.13 of the Revised Code and may, for its own internal management, adopt rules ~~which that~~ do not affect private rights.

Sec. 1513.10. If, at the end of a coal mining operation's permit or renewal period, the number of acres of land affected by the operation proves to be smaller than the number of acres of land for which the operator paid a

permit fee for the operation under section 1513.07 of the Revised Code, the operator is entitled to a refund of the excess permit fee. The refund shall be in an amount equal to the amount paid per acre as a permit fee multiplied by the difference between the number of acres in the area of land affected as verified by the division of mineral resources management and the number of acres of land for which the operator paid a permit fee.

Refunds shall be paid out of the reclamation fee fund, which is hereby created in the state treasury. The treasurer of state shall place forty thousand dollars from the fees collected under section 1513.07 of the Revised Code in the fund. As moneys are spent from the fund, the treasurer of state shall credit to the fund the amount that is needed to keep the balance of the fund at forty thousand dollars. The remainder of the fees collected under section 1513.07 of the Revised Code shall be deposited with the treasurer of state to the credit of the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code.

~~Sec. 1513.13. (A)(1) A person having an interest that is or may be adversely affected by a finding or determination of the chief of the division of mineral resources management made under section 1509.08, 1561.35, 1561.351, 1563.13, or 6111.044 of the Revised Code or an investigation made by the chief under section 1561.51 of the Revised Code may appeal to the mine examining board in accordance with those sections.~~ Any other person having an interest that is or may be adversely affected by a notice of violation, order, or decision of the chief of the division of mineral resources management, other than a show cause order or an order that adopts a rule, or by any modification, vacation, or termination of such a notice, order, or decision, may appeal by filing a notice of appeal with the reclamation commission for review of the notice, order, or decision within thirty days after the notice, order, or decision is served upon the person or within thirty days after its modification, vacation, or termination and by filing a copy of the notice of appeal with the chief within three days after filing the notice of appeal with the commission. The notice of appeal shall contain a copy of the notice of violation, order, or decision complained of and the grounds upon which the appeal is based. The commission has exclusive original jurisdiction to hear and decide such appeals. The filing of a notice of appeal under division (A)(1) of this section does not operate as a stay of any order, notice of violation, or decision of the chief.

(2) The permittee, the chief, and other interested persons shall be given written notice of the time and place of the hearing at least five days prior thereto. The hearing shall be of record.

(3) Any person authorized under this section to appeal to the

ission may request an informal review by the chief or the chief's designee by filing a written request with the chief within thirty days after a notice, order, decision, modification, vacation, or termination is served upon the person. Filing of the written request shall toll the time for appeal before the commission, but shall not operate as a stay of any order, notice of violation, or decision of the chief. The chief's determination of an informal review is appealable to the commission under this section.

(B) The commission shall affirm the notice of violation, order, or decision of the chief unless the commission determines that it is arbitrary, capricious, or otherwise inconsistent with law; in that case the commission may modify the notice of violation, order, or decision or vacate it and remand it to the chief for further proceedings that the commission may direct.

The commission shall conduct hearings and render decisions in a timely fashion, except that all of the following apply:

(1) When the appeal concerns an order for the cessation of coal mining and reclamation operations issued pursuant to division (D)(1) or (2) of section 1513.02 of the Revised Code, the commission shall issue its written decision within thirty days after the receipt of the appeal unless temporary relief has been granted by the chairperson pursuant to division (C) of this section.

(2) When the appeal concerns an application for a permit under division (I) of section 1513.07 of the Revised Code, the commission shall hold a hearing within thirty days after receipt of the notice of appeal and issue its decision within thirty days after the hearing.

(3) When the appeal concerns a decision of the chief regarding release of bond under division (F) of section 1513.16 of the Revised Code, the commission shall hold a hearing within thirty days after receipt of the notice of appeal and issue its decision within sixty days after the hearing.

(4) When the appeal concerns a decision of the chief regarding the location of a well in a coal bearing township under section 1509.08 of the Revised Code, the commission shall hold a hearing and issue its decision within thirty days after receipt of the notice of appeal.

(C) The chairperson of the commission, under conditions the chairperson prescribes, may grant temporary relief the chairperson considers appropriate pending final determination of an appeal if all of the following conditions are met:

(1) All parties to the appeal have been notified and given an opportunity for a hearing to be held in the locality of the subject site on the request for temporary relief and the opportunity to be heard on the request.

(2) The person requesting relief shows that there is a substantial likelihood that the person will prevail on the merits.

(3) The relief will not adversely affect public health or safety or cause significant imminent environmental harm to land, air, or water resources.

The chairperson shall issue a decision expeditiously, except that when the applicant requests relief from an order for the cessation of coal mining and reclamation operations issued pursuant to division (D)(1) or (2) of section 1513.02 of the Revised Code, the decision shall be issued within five days after its receipt.

Any party to an appeal filed with the commission who is aggrieved or adversely affected by a decision of the chairperson to grant or deny temporary relief under this section may appeal that decision to the commission. The commission may confine its review to the record developed at the hearing before the chairperson.

The appeal shall be filed with the commission within thirty days after the chairperson issues the decision on the request for temporary relief. The commission shall issue a decision as expeditiously as possible, except that when the appellant requests relief from an order for the cessation of coal mining and reclamation operations issued pursuant to division (D)(1) or (2) of section 1513.02 of the Revised Code, the decision of the commission shall be issued within five days after receipt of the notice of appeal.

The commission shall affirm the decision of the chairperson granting or denying temporary relief unless it determines that the decision is arbitrary, capricious, or otherwise inconsistent with law.

(D) Following the issuance of an order to show cause as to why a permit should not be suspended or revoked pursuant to division (D)(3) of section 1513.02 of the Revised Code, the chief or a representative of the chief shall hold a public adjudicatory hearing after giving written notice of the time, place, and date thereof. The hearing shall be of record.

Within sixty days following the public hearing, the chief shall issue and furnish to the permittee and all other parties to the hearing a written decision, and the reasons therefor, concerning suspension or revocation of the permit. If the chief revokes the permit, the permittee immediately shall cease coal mining operations on the permit area and shall complete reclamation within a period specified by the chief, or the chief shall declare as forfeited the performance bonds for the operation.

(E)(1) Whenever an enforcement order or permit decision is appealed under this section or any action is filed under division (B) of section 1513.15 or 1513.39 of the Revised Code, at the request of a prevailing party, a sum equal to the aggregate amount of all costs and expenses, including

attorney's fees, as determined to have been necessary and reasonably incurred by the prevailing party for or in connection with participation in the enforcement proceedings before the commission, the court under section 1513.15 of the Revised Code, or the chief under section 1513.39 of the Revised Code, may be awarded, as considered proper, in accordance with divisions (E)(1)(a) to (c) of this section. In no event shall attorney's fees awarded under this section exceed, for the kind and quality of services, the prevailing market rates at the time the services were furnished under division (A) of this section. A party may be entitled to costs and expenses related solely to the preparation, defense, and appeal of a petition for costs and expenses, provided that the costs and expenses are limited and proportionate to costs and expenses otherwise allowed under division (E) of this section.

(a) A party, other than the permittee or the division of mineral resources management, shall file a petition, if any, for an award of costs and expenses, including attorney's fees, with the chief, who shall review the petition. If the chief finds that the party, other than the permittee or the division, prevailed in whole or in part, made a substantial contribution to a full and fair determination of the issues, and made a contribution separate and distinct from the contribution made by any other party, the chief may award to that party the party's costs and expenses, including attorney's fees that were necessary and reasonably incurred by the party for, or in connection with, participation in the proceeding before the commission.

(b) If a permittee who made a request under division (E)(1) of this section demonstrates that a party other than a permittee who initiated an appeal under this section or participated in such an appeal initiated or participated in the appeal in bad faith and for the purpose of harassing or embarrassing the permittee, the permittee may file a petition with the chief. The chief may award to the permittee the costs and expenses reasonably incurred by the permittee in connection with participation in the appeal and assess those costs and expenses against the party who initiated the appeal.

(c) The division may file, with the commission, a request for an award to the division of the costs and expenses reasonably incurred by the division in connection with an appeal initiated under this section. The commission may assess those costs and expenses against the party who initiated the appeal if the division demonstrates that the party initiated or participated in the appeal in bad faith and for the purpose of harassing or embarrassing the division.

(2) Whenever an order issued under this section or as a result of any administrative proceeding under this chapter is the subject of judicial

review, at the request of any party, a sum equal to the aggregate amount of all costs and expenses, including attorney's fees, as determined by the court to have been necessary and reasonably incurred by the party for or in connection with participation in the proceedings, may be awarded to either party, in accordance with division (E)(1) of this section, as the court, on the basis of judicial review, considers proper.

Sec. 1513.14. (A) Any party aggrieved or adversely affected by a decision of the reclamation commission may appeal to the court of appeals for the county in which the activity addressed by the decision of the commission occurred, is occurring, or will occur, which court has exclusive jurisdiction over the appeal. The appeal shall be filed within thirty days of issuance of the decision of the commission. The court shall confine its review to the record certified by the commission. The court may, upon motion, grant such temporary relief as it ~~deems~~ considers appropriate pending final disposition of the appeal if all of the following apply:

(1) All parties to the appeal have been notified and given an opportunity to be heard on a request for temporary relief;

(2) The person requesting the relief shows that there is a substantial likelihood that the person will prevail on the merits; ~~and~~

(3) The relief will not adversely affect public health or safety or the health or safety of miners or cause significant imminent environmental harm to land, air, or water resources.

The court shall affirm the decision of the commission unless the court determines that it is arbitrary, capricious, or otherwise inconsistent with law, in which case the court shall vacate the decision and remand to the commission for such further proceedings as it may direct.

(B) Any order of the chief of the division of mineral resources management adopting a rule shall be subject to judicial review in the Franklin county court of appeals, which court has exclusive original jurisdiction to review the order. A petition for review of the order shall be filed within thirty days from the date of such order. The petition may be made by any person who participated in the rule-making proceedings and who is aggrieved by the order. The court shall confine its review to the record of the rule-making proceedings. The order shall be affirmed unless the court concludes that the order is arbitrary, capricious, or otherwise inconsistent with law, in which case the court shall vacate the order or portion thereof and remand to the chief for such further proceedings as it may direct.

Sec. 1514.11. In addition to the purposes authorized in section 1514.06 of the Revised Code, the chief of the division of mineral resources

gement may use moneys in the surface mining fund created under that section for the administration and enforcement of this chapter, for the reclamation of land affected by surface mining under a permit issued under this chapter that the operator failed to reclaim and for which the performance bond filed by the operator is insufficient to complete the reclamation, ~~and~~ for the reclamation of land affected by surface mining that was abandoned and left unreclaimed and for which no permit was issued or bond filed under this chapter, and for the mine safety and first aid classes provided under division (C) of section 1561.26 of the Revised Code. The chief, with the approval of the director of natural resources, annually shall determine the amounts to be expended for the mine safety and first aid classes. For purposes of this section, the chief shall expend moneys in the fund in accordance with the procedures and requirements established in section 1514.06 of the Revised Code and may enter into contracts and perform work in accordance with that section.

Fees collected under sections 1514.02 and 1514.03 of the Revised Code, one-half of the moneys collected from the severance taxes levied under divisions (A)(3) and (4) of section 5749.02 of the Revised Code, and all of the moneys collected from the severance tax levied under division (A)(7) of section 5749.02 of the Revised Code shall be credited to the fund in accordance with those sections. Notwithstanding any section of the Revised Code relating to the distribution or crediting of fines for violations of the Revised Code, all fines imposed under section 1514.99 of the Revised Code shall be credited to the fund.

Sec. 1517.05. The department of natural resources, for and on behalf of the state, shall acquire a system of nature preserves for the following uses and purposes:

(A) For scientific research in such fields as ecology, taxonomy, genetics, forestry, pharmacology, agriculture, soil science, geology, paleontology, conservation, and similar fields;

(B) For the teaching of biology, natural history, ecology, geology, conservation, and other subjects;

(C) As habitats for plant and animal species and communities and other natural objects;

(D) As reservoirs of natural materials;

(E) As places of natural interest and beauty;

(F) For visitation whereby persons may observe and experience natural biotic and environmental systems of the earth and their processes;

(G) To promote understanding and appreciation of the aesthetic, cultural, scientific, and spiritual values of such areas by the people of the

state;

(H) For the preservation and protection of nature preserves against modification or encroachment resulting from occupation, development, or other use ~~which~~ that would destroy their natural or aesthetic conditions.

The director of natural resources, upon the advice and concurrence of the Ohio natural areas council, shall accept natural areas by articles of dedication or gift, provided that funds and services are available for their preservation and protection.

A nature preserve is established when articles of dedication have been filed by or at the direction of the owner of land, or a governmental agency having ownership or control thereof, in the office of the county recorder of the county in which the land is located.

Articles of dedication shall be executed by the owner of the land in the same manner and with the same effect as a conveyance of an interest in land and shall be irrevocable except as provided in this section. The county recorder may not accept articles of dedication for recording unless they have been accepted by the director of natural resources. The director may not accept articles of dedication unless they contain terms restricting the use of the land ~~which~~ that adequately provide for its preservation and protection against modification or encroachment resulting from occupation, development, or other use ~~which~~ that would destroy its natural or aesthetic conditions for one or more of the uses and purposes set forth in this section. Wherever possible and consistent with such preservation and protection of the land, the articles shall provide for public access in order that the maximum benefit be obtained for the uses and purposes stated in this section.

Articles of dedication may contain provisions for the management, custody, and transfer of land, provisions defining the rights of the owner or operating agency, and the department, and such other provisions as may be necessary or advisable to carry out the uses and purposes for which the land is dedicated. They may contain conditions under which the owner and the director of natural resources may agree to rescind the articles.

The attorney general, upon request of the director of natural resources, may bring an action for injunction in any court of competent jurisdiction to enforce the terms of articles of dedication.

The department may make or accept amendments of any articles of dedication upon terms and conditions that the director of natural resources determines will not destroy the natural or aesthetic conditions of a preserve, including amendments that are in regard to a dedicated preserve not owned in fee simple by the department and that provide for the relocation of an

sting easement, license, or right of way within the boundaries of the preserve if the relocation best serves to protect the natural or aesthetic condition of the preserve. If the fee simple interest in the area or preserve is not held by the state, no amendments shall be made without the written consent of the owner. Each amendment shall be recorded in the same manner as the articles of dedication.

Sec. 1517.06. (A) Nature preserves dedicated under section 1517.05 of the Revised Code are to be held in trust, for the uses and purposes set forth in that section ~~1517.05 of the Revised Code~~, for the benefit of the people of the state of present and future generations. They shall be managed and protected in the manner approved by, and subject to rules established by the chief of the division of natural areas and preserves. They shall not be taken for any other use except another public use after a finding by the department of natural resources of the existence of an imperative and unavoidable public necessity for such other public use and with the approval of the governor. Except as may otherwise be provided in the articles of dedication, the department may grant, upon such terms and conditions as it may determine, an estate, interest, or right in, or dispose of, a nature preserve, but only after a finding by the department of the existence of an imperative and unavoidable public necessity for ~~such~~ the grant or disposition and with the approval of the governor.

(B) For purposes of this section, the relocation of an existing easement, license, or right of way within the boundaries of a preserve does not constitute the taking of land for another use. In addition, the relocation does not require a finding of the existence of an imperative and unavoidable public necessity by the department and does not require the approval of the governor.

Sec. 1517.07. ~~Before~~ (A) Except as provided in division (B) of this section, ~~before~~ the department of natural resources makes any finding of the existence of an imperative and unavoidable public necessity, or grants any estate, interest, or right in a nature preserve or disposes of a nature preserve or of any estate, interest, or right therein as provided in section 1517.06 of the Revised Code, it shall give notice of ~~such~~ the proposed action and an opportunity for any person to be heard at a public hearing in the county in which the preserve is located. In the event the preserve is located in more than one county, the public hearing shall be held in the most populous county. ~~Such~~ The notice shall be published at least once in a newspaper with a general circulation in the county in which the nature preserve is located. The notice shall set forth the substance of the proposed action and describe, with or without legal description, the nature preserve affected, and shall

specify a place and time not less than thirty days after ~~such~~ the publication for a public hearing before the department on ~~such~~ the proposed action. All persons desiring to be heard shall have a reasonable opportunity to be heard prior to action by the department on ~~such~~ the proposal.

(B) A public hearing under this section is not required for the relocation of an existing easement, license, or right of way within the boundaries of a preserve.

Sec. 1521.04. The chief of the division of water, with the approval of the director of natural resources, may make loans and grants from the water management fund created in section 1501.32 of the Revised Code to governmental agencies for water management, water supply improvements, and planning and may administer grants from the federal government and from other public or private sources for carrying out those functions and for the performance of any acts that may be required by the United States or by any agency or department thereof as a condition for the participation by any governmental agency in any federal financial or technical assistance program. Direct and indirect costs of administration may be paid from the water management fund.

The chief may use the water management fund to acquire, construct, reconstruct, improve, equip, maintain, operate, and dispose of water management improvements. The chief may fix, alter, charge, and collect rates, fees, rentals, and other charges to be paid into the water management fund by governmental agencies and persons who are supplied with water by facilities constructed or operated by the department of natural resources in order to amortize and defray the cost of the construction, maintenance, and operation of those facilities. ~~This section does not apply to the Burr Oak water system administered by the chief engineer of the department of natural resources under sections 1507.01 and 1507.12 of the Revised Code.~~

Sec. 1521.19. (A) There is hereby created the Ohio water resources council consisting of the directors of agriculture, development, environmental protection, health, natural resources, transportation, and the Ohio public works commission, the chairperson of the public utilities commission of Ohio, the executive directors of the state and local government commission of Ohio and the Ohio water development authority, and an executive assistant in the office of the governor appointed by the governor. The governor shall appoint one of the members of the council to serve as its chairperson. The council may adopt bylaws that are necessary for the implementation of this section. The council shall provide a forum for policy development, collaboration and coordination among state agencies, and strategic direction with respect to state water resource programs. The

council shall be assisted in its functions by a state agency coordinating group and an advisory group as provided in this section.

(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.

(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.

(E) The Ohio water resources council may hire staff to support its activities. The council may enter into contracts and agreements with state agencies, political subdivisions, and private entities to assist in accomplishing its objectives. Advisory group members shall be reimbursed for expenses necessarily incurred in the performance of their duties pursuant to section 126.31 of the Revised Code and any applicable rules pertaining to travel reimbursement adopted by the office of budget and management.

Sec. 1531.35. The wildlife boater angler fund is hereby created in the state treasury. The fund shall consist of money credited to the fund pursuant to section 5735.051 of the Revised Code and other money contributed to the division of wildlife for the purposes of the fund. The fund ~~may~~ shall be used for boating access construction, capital improvements, grant programs for boating and fishing access, maintenance, and development on lakes on which the operation of gasoline-powered watercraft is permissible.

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat stamps, deer and wild turkey permits, and fur taker permits shall be issued by the clerk of the court of common pleas, village and township clerks, and other authorized agents designated by the chief of the division of wildlife. When required by the chief, a clerk or agent shall give bond in the manner provided by the chief. All bonds, reports, except records prescribed by the auditor of state, and moneys received by those persons shall be handled under rules adopted by the director of natural resources.

~~The premium of any fidelity bond prescribed under section 9.832 of the Revised Code or~~ of any bond prescribed by the chief under this section may be paid by the chief. Any person who is designated and authorized by the chief to issue licenses, stamps, and permits as provided in this section, except the clerk of the court of common pleas and the village and township clerks, shall pay to the chief a premium in an amount that represents the person's portion of the premium paid by the chief under this section, which amount shall be established by the chief and approved by the wildlife council created under section 1531.03 of the Revised Code. The chief shall pay all moneys that the chief receives as premiums under this section into the state treasury to the credit of the wildlife fund created under section 1531.17 of the Revised Code.

Every authorized agent, for the purpose of issuing hunting and fishing licenses, deer and wild turkey permits, and fur taker permits, may administer oaths to and take affidavits from applicants for the licenses or permits when required. An authorized agent may appoint deputies to perform any acts that the agent is authorized to perform, consistent with division rules.

Every applicant for a hunting or fishing license, deer or wild turkey permit, or fur taker permit, unless otherwise provided by division rule, shall make and subscribe an affidavit setting forth the applicant's name, age, weight, height, occupation, place of residence, personal description, and citizenship. The clerk or other agent authorized to issue licenses and permits shall charge each applicant a fee of one dollar for taking the affidavit and issuing the license or permit. The application, license, permit, and other blanks required by this section shall be prepared and furnished by the chief, in such form as the chief provides, to the clerk or other agent authorized to issue them. The licenses and permits shall be issued to applicants by the clerk or other agent. The record of licenses and permits kept by the clerk and other authorized agents shall be uniform throughout the state and in such form or manner as the auditor of state prescribes and shall be open at all reasonable hours to the inspection of any person. Unless otherwise provided by division rule, each hunting license, deer or wild turkey permit, and fur taker permit issued shall remain in force until midnight of the thirty-first day of August next ensuing. Application for any such license or permit may be made and a license or permit issued prior to the date upon which it becomes effective.

The chief may require an applicant who wishes to purchase a license, stamp, or permit by mail or telephone to pay a nominal fee for postage and handling.

The court before whom a violator of any laws or division rules for the protection of wild animals is tried, as a part of the punishment, shall revoke the license, stamp, or permit of any person convicted. The license, stamp, or permit fee paid by that person shall not be returned to the person. The person shall not procure or use any other license, stamp, or permit or engage in hunting wild animals or trapping fur-bearing animals during the period of revocation as ordered by the court.

No person under sixteen years of age shall engage in hunting unless accompanied by the person's parent or another adult person.

Sec. 1547.67. The division of watercraft, with the approval of the director of natural resources, may expend, for the purpose of assisting political subdivisions, conservancy districts, and state departments to establish or maintain and operate a marine patrol for the purpose of

forcing this chapter and Chapter 1548. of the Revised Code and rules adopted under them and to provide emergency response to boating accidents on the water, such funds as are appropriated by the general assembly for that purpose and, in addition, such moneys from the waterways safety fund established in section 1547.75 of the Revised Code as determined to be necessary by the division not to exceed ten per cent of all moneys accruing to the fund. In no case shall the grant to a political subdivision, conservancy district, or state department, not including the department of natural resources, total more than ~~thirty~~ thirty-five thousand dollars in a calendar year. Moneys so allocated may be used for the purchase, maintenance, and operation of vessels and marine equipment, educational materials, and personnel salaries that are necessary for enforcement of this chapter and Chapter 1548. of the Revised Code and rules adopted under them and to provide emergency response to boating accidents on the water.

The division shall disburse the moneys as provided in this section in accordance with its determination of need in the enforcement of this chapter and Chapter 1548. of the Revised Code and rules adopted under them and shall disburse those moneys only on a cost share basis to supplement funds allocated by a political subdivision, conservancy district, or state department for that purpose. A grantee shall provide at least twenty-five per cent of the total program cost.

Sec. 1561.05. The laws relating to mines and mining and duties and functions of the division of mineral resources management shall be administered by the chief of the division of mineral resources management, and through and by deputy mine inspectors. If a vacancy occurs in the office of a deputy mine inspector, it may be filled by the chief, who shall select a ~~qualified~~ person from the eligible list ~~certified to the chief by the mine examining board~~ for deputy mine inspectors that is prepared under section 124.24 of the Revised Code.

The chief shall adopt, in accordance with Chapter 119. of the Revised Code, all necessary rules for conducting examinations and for governing all other matters requisite to the exercise of the chief's powers and the performance of the chief's duties under this chapter and Chapters 1509., 1563., 1565., and 1567. of the Revised Code relating to mines and mining.

Sec. 1561.07. The mining laws of this state shall extend to and govern the operation of clay mines and clay stripping pits in so far as such laws are applicable thereto. The chief of the division of mineral resources management shall adopt, publish, and enforce specific rules particularly applicable to clay mining operations to safeguard life and property in the clay mining industry and to secure safe and sanitary working conditions in

such clay mines and clay stripping pits.

Such rules adopted by the chief shall provide that:

(A) Distances between break-throughs in clay mines shall not exceed one hundred feet, unless permission in special cases is granted by the chief, after maps have been filed with the chief showing the method of working and ventilating the same, if such distances would add to increased safety.

(B) When, in the opinion of the mine foreperson or deputy mine inspector, line brattices or other approved methods of circulation are necessary to deliver sufficient air to the working face, they shall be provided by the owner, operator, or lessee.

(C) Not more than a two days' supply of explosives shall be stored in a clay mine at any one time, and not more than one hundred pounds of explosives shall be stored in any one place at any one time.

(D) Charges of explosives shall be made up at least one hundred feet away from any storage place for explosives.

(E) There shall be no less than two persons in each working place when shots are being lighted.

(F) Misfired shots in clay mines shall be posted on the bulletin board or other conspicuous place available for examination by the workers when shots are fired by other than the loaders.

(G) The use of electric blasting caps shall be encouraged as a safety measure.

The chief, in assigning deputy mine inspectors, shall designate inspectors who have had experience and are especially qualified in clay mining operations, to examine and inspect clay mining operations and enforce the law relating to such operations.

The ~~mine examining board chief~~, in conducting examinations and issuing certificates for mine forepersons, shall ~~in its rules~~ provide by rules adopted under section 1561.05 of the Revised Code for the examination of applicants for certificates as mine forepersons in a clay mine or clay stripping pits to test the applicant on experience and fitness on the problems and duties peculiar to the clay mining industry. An applicant for a certificate as a clay mine foreperson shall have at least three years' experience in mining operations.

Sec. 1561.11. The ~~mine examining board chief~~ chief of the division of mineral resources management, for the purpose of conducting the examinations for mine ~~foremen forepersons~~ and fire bosses, may designate one or more examining boards of three members, selected from among the deputy mine inspectors, superintendent and assistant superintendents of rescue stations, and electrical inspectors. The examinations shall be

ed in the district of the applicant's residence or as near thereto as practicable. Grading and issuance of certificates shall be done by the ~~board~~ chief.

Sec. 1561.12. An applicant for any examination or certificate under this section shall, before being examined, register ~~his~~ the applicant's name with the ~~mine-examining board~~ chief of the division of mineral resources management and file with the ~~board~~ chief an affidavit as to all matters of fact establishing ~~his~~ the applicant's right to receive the examination, a certificate of good character and temperate habits signed by at least three reputable citizens of the community in which ~~he~~ the applicant resides, and a certificate from a reputable and disinterested physician as to the physical condition of such applicant showing that ~~he~~ the applicant is physically capable of performing the duties of the office or position.

Each applicant for examination for any of the following positions shall present evidence satisfactory to the ~~board~~ chief that ~~he~~ the applicant has been a resident and citizen of this state for two years next preceding the date of application:

(A) An applicant for the position of deputy mine inspector of underground mines shall have had actual practical experience of not less than six years, at least two of which shall have been in the underground workings of ~~coal~~ mines in this state. In the case of an applicant who would inspect underground coal mines, the two years shall consist of actual practical experience in underground coal mines. In the case of an applicant who would inspect noncoal mines, the two years shall consist of actual practical experience in noncoal mines. In lieu of two years of the actual practical experience required, the ~~board~~ chief may accept as the equivalent thereof a certificate evidencing graduation from an accredited school of mines or mining, after a four-year course of study, but such credit shall not apply as to the two years' actual practical experience required in the ~~coal~~ mines in this state.

~~He~~ The applicant shall pass an examination as to ~~his~~ the applicant's practical and technological knowledge of mine surveying, mining machinery, and appliances; the proper development and operation of mines; the best methods of working and ventilating mines; the nature, properties, and powers of noxious, poisonous, and explosive gases, particularly methane; the best means and methods of detecting, preventing, and removing the accumulation of such gases; the use and operation of gas detecting devices and appliances; first aid to the injured; and the uses and dangers of electricity as applied and used in, at, and around mines. Such applicant shall also hold a certificate for ~~foreman~~ foreperson of gaseous mines issued by the ~~mine-examining board~~ chief.

(B) An applicant for the position of deputy mine inspector of surface mines shall have had actual practical mining experience of not less than six years, at least two of which shall have been in surface coal mines in this state. In lieu of two years of the actual practical experience required, the ~~board~~ chief may accept as the equivalent thereof a certificate evidencing graduation from an accredited school of mines or mining, after a four-year course of study, but that credit shall not apply as to the two years' actual practical experience required in the coal mines in this state. The applicant shall pass an examination as to ~~his~~ the applicant's practical and technological knowledge of surface mine surveying, machinery, and appliances; the proper development and operations of surface mines; first aid to the injured; and the use and dangers of explosives and electricity as applied and used in, at, and around surface mines. The applicant shall also hold a surface mine ~~foreman~~ foreperson certificate issued by the ~~mine examining board~~ chief.

(C) An applicant for the position of electrical inspector shall have had at least five years' practical experience in the installation and maintenance of electrical circuits and equipment in mines, and ~~he~~ the applicant shall be thoroughly familiar with the principles underlying the safety features of permissible and approved equipment as authorized and used in mines.

~~He~~ The applicant shall be required to pass the examination required for deputy mine inspectors and an examination testing and determining ~~his~~ the applicant's qualification and ability to competently inspect and administer the mining law ~~which~~ that relates to electricity used in and around mines and mining in this state.

(D) An applicant for the position of superintendent or assistant superintendent of rescue stations shall possess the same qualifications as those required for a deputy mine inspector. In addition, ~~he~~ the applicant shall present evidence satisfactory to the ~~board~~ chief that ~~he~~ the applicant is sufficiently qualified and trained to organize, supervise, and conduct group training classes in first aid, safety, and rescue work.

~~He~~ The applicant shall pass the examination required for deputy mine inspectors and shall be tested as to ~~his~~ the applicant's practical and technological experience and training in first aid, safety, and mine rescue work.

(E) An applicant for the position of mine chemist shall have such educational training as is represented by the degree MS in chemistry from a university of recognized standing, and at least five years of actual practical experience in research work in chemistry or as an assistant chemist. The ~~board~~ chief may provide that an equivalent combination of education and

experience together with a wide knowledge of the methods of and skill in chemical analysis and research may be accepted in lieu of the above qualifications. It is preferred that such chemist shall have had actual experience in mineralogy and metallurgy.

(F) An applicant for the position of gas storage well inspector shall possess the same qualifications as an applicant for the position of deputy mine inspector and shall have a practical knowledge and experience of and in the operation, location, drilling, maintenance, and abandonment of oil and gas wells, especially in coal or mineral bearing townships, and shall have a thorough knowledge of the latest and best method of plugging and sealing abandoned oil and gas wells.

Such applicant for gas storage well inspector shall pass an examination conducted by the ~~board~~ chief to determine ~~his~~ the applicant's fitness to act as a gas storage well inspector before being eligible for appointment.

Sec. 1561.13. The ~~mine-examining board~~ chief of the division of mineral resources management shall conduct examinations for offices and positions in the division of mineral resources management, and for mine forepersons, mine electricians, shot firers, surface mine blasters, and fire bosses, as follows:

(A) Division of mineral resources management:

(1) Deputy mine inspectors of underground mines;

(2) Deputy mine inspectors of surface mines;

(3) Electrical inspectors;

(4) Superintendent of rescue stations;

(5) Assistant superintendents of rescue stations;

(6) Mine chemists at a division laboratory if the chief ~~of the division of mineral resources management~~ chooses to operate a laboratory;

(7) Gas storage well inspector.

(B) Mine forepersons:

(1) Mine foreperson of gaseous mines;

(2) Mine foreperson of nongaseous mines;

(3) Mine foreperson of surface mines.

(C) Forepersons:

(1) Foreperson of gaseous mines;

(2) Foreperson of nongaseous mines;

(3) Foreperson of surface maintenance facilities at underground or surface mines;

(4) Foreperson of surface mines.

(D) Fire bosses.

(E) Mine electricians.

(F) Surface mine blasters.

(G) Shot firers.

~~The board shall hold such meetings as are necessary for the proper discharge of its duties.~~

The ~~board~~ chief annually shall ~~meet annually at the capitol, as prescribed by its rules,~~ provide for the examination of candidates for appointment or promotion as deputy mine inspectors and such other positions and offices set forth in division (A) of this section as are necessary. Special examinations may be held whenever it becomes necessary to make appointments to any of those positions.

~~For~~ The chief shall provide for the examination of persons seeking certificates of competency as mine forepersons, forepersons, mine electricians, shot firers, surface mine blasters, and fire bosses, ~~the board shall hold meetings,~~ quarterly or more often as required, at such times and places within the state as shall, in the judgment of the ~~members~~ chief, afford the best facilities to the greatest number of applicants. Public notice shall be given through the press or otherwise, not less than ten days in advance, announcing the time and place at which examinations under this section are to be held.

The examinations provided for in this section shall be conducted under rules adopted under section 1561.05 of the Revised Code and conditions prescribed by the ~~board~~ chief. ~~Such rules shall be made a part of the permanent record of the board, and such of them as~~ Any rules that relate to particular candidates shall, upon application of any candidate, be furnished to the candidate by the ~~board~~ chief; they shall also be of uniform application to all candidates in the several groups.

Sec. 1561.14. A person who applies for a certificate as a mine electrician shall be able to read and write the English language, and prior to the date of the application for examination either shall have had at least one year's experience in performing electrical work underground in a coal mine, in the surface work area of an underground coal mine, in a surface coal mine, or in a noncoal mine, or shall have had such experience as the ~~mine examining board~~ chief of the division of mineral resources management determines to be equivalent. Each applicant for examination shall pay a fee of ten dollars to the ~~board~~ chief on the first day of the examination. Any moneys collected under this section shall be paid into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code.

Sec. 1561.15. An applicant for a certificate as mine ~~foreman~~ foreperson, ~~foreman~~ foreperson, mine electrician, shot firer, surface mine blaster, or fire

boss shall apply to the ~~mine-examining-board~~ chief of the division of mineral resources management for examination and shall be examined by the ~~board~~ chief. This shall be a practical examination, a substantial part of which shall be oral, to determine the competency of the applicant, based on experience and practical knowledge of the dangers incident to coal mining, and not upon technical education, but consideration shall be given such technical education as the applicant possesses. This examination shall be held as soon after application is made as practicable in the district from which the applicant makes application.

Sec. 1561.16. (A) As used in this section and sections 1561.17 to 1561.21 of the Revised Code, "actual practical experience" means previous employment that involved a person's regular presence in the type of mining operation in which the experience is required to exist; participation in functions relating to the hazards involved in and the utilization of equipment, tools, and work crews and individuals for that type of mining; and regular exposure to the methods, procedures, and safety laws applicable to that type of mining. Credit of up to one year for a portion of the required experience time may be given upon documentation to the ~~mine-examining-board~~ chief of the division of mineral resources management of an educational degree in a field related to mining. Credit of up to two years of the required experience time may be given upon presentation to the ~~mine-examining-board~~ chief of proof of graduation from an accredited school of mines or mining after a four-year course of study with employment in the mining industry during interim breaks during the school years.

(B) A person who applies for a certificate as a mine ~~foreman~~ foreperson of gaseous mines shall be able to read and write the English language; shall have had at least five years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the ~~mine-examining-board~~ chief; and shall have had practical experience obtained by actual contact with gas in mines and have knowledge of the dangers and nature of noxious and explosive gases and ventilation of gaseous mines. An applicant for a certificate as a ~~foreman~~ foreperson of gaseous mines shall meet the same requirements, except that the applicant shall have had at least three years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the ~~mine-examining-board~~ chief. Each applicant for examination shall pay a fee of ten dollars to the ~~board~~ chief on the first day of such examination. Any moneys collected under this section shall be paid into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code.

Sec. 1561.17. A person who applies for a certificate as mine ~~foreman~~ foreperson or ~~foreman~~ foreperson of nongaseous mines shall be able to read and write the English language; shall have had at least three years' actual practical experience in mines, or the equivalent thereof in the judgment of the ~~mine-examining board~~ chief of the division of mineral resources management; and shall have knowledge of the dangers and nature of noxious gases. Each applicant for examination shall pay a fee of ten dollars to the ~~board~~ chief on the first day of the examination. Any moneys collected under this section shall be paid into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code.

Sec. 1561.18. A person who applies for a certificate as a ~~foreman~~ foreperson of surface maintenance facilities at underground or surface mines shall be able to read and write the English language and shall have had at least three years' actual practical experience in or around the surface maintenance facilities of underground or surface mines or the equivalent thereof in the judgment of the ~~mine-examining board~~ chief of the division of mineral resources management. Each applicant for examination shall pay a fee of ten dollars to the ~~board~~ chief on the first day of the examination. Any moneys collected under this section shall be paid into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code.

Sec. 1561.19. A person who applies for a certificate as a mine ~~foreman~~ foreperson of surface mines shall be able to read and write the English language and shall have had at least five years' actual practical experience in surface mines. An applicant for a certificate as a ~~foreman~~ foreperson of surface mines shall meet the same requirements, except that the applicant shall have had at least three years' actual practical experience in surface mines or the equivalent thereof in the judgment of the ~~mine-examining board~~ chief of the division of mineral resources management. Each applicant for examination shall pay a fee of ten dollars to the ~~board~~ chief on the first day of the examination. Any moneys collected under this section shall be paid into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code.

Sec. 1561.20. A person who applies for a certificate as a surface mine blaster shall be able to read and write the English language; shall have had at least one year's actual practical experience in surface mines or the equivalent thereof in the judgment of the ~~mine-examining board~~ chief of the division of mineral resources management; shall have knowledge of the dangers and nature of the use of explosives, related equipment, and blasting techniques; and shall have knowledge of safety laws and rules, including

those related to the storage, use, and transportation of explosives. Each applicant for examination shall pay a fee of ten dollars to the ~~board chief~~ on the first day of the examination. Any moneys collected under this section shall be paid into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code.

Sec. 1561.21. A person who applies for a certificate as a shot firer shall be able to read and write the English language; shall have had at least one year's actual practical experience in the underground workings of mines or the equivalent thereof in the judgment of the ~~mine-examining board chief of the division of mineral resources management~~; shall have knowledge of the dangers and nature of noxious and explosive gases; shall have knowledge of the dangers and nature of the use of explosives, related equipment, and blasting techniques; and shall have knowledge of safety laws and rules, including those related to the underground storage, use, and transportation of explosives. Each applicant for examination shall pay a fee of ten dollars to the ~~board chief~~ on the first day of the examination. Any moneys collected under this section shall be paid into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code.

Any person who possesses a mine ~~foreman foreperson~~ or ~~foreman foreperson~~ certificate issued by the ~~mine-examining board chief~~ shall be considered certified as a shot firer.

Sec. 1561.22. A person who applies for a certificate as fire boss shall be able to read and write the English language; shall have had at least three years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the ~~mine-examining board chief of the division of mineral resources management~~; and shall have knowledge of the dangers and nature of noxious and explosive gases gained by actual contact with gas in mines and ventilation of gaseous mines. Each applicant for examination shall pay a fee of ten dollars to the ~~board chief~~ on the first day of the examination. Any moneys collected under this section shall be paid into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code.

Sec. 1561.23. The ~~mine-examining board chief of the division of mineral resources management~~ shall issue the following certificates to those applicants who pass their examination:

- (A) Certificates for mine ~~foremen forepersons~~ of gaseous mines;
- (B) Certificates for mine ~~foremen forepersons~~ of nongaseous mines;
- (C) Certificates for ~~foremen forepersons~~ of gaseous mines;
- (D) Certificates for ~~foremen forepersons~~ of nongaseous mines;
- (E) Certificates for ~~foremen forepersons~~ of surface maintenance

facilities of underground or surface mines;

- (F) Certificates for mine ~~foremen~~ forepersons of surface mines;
- (G) Certificates for ~~foremen~~ forepersons of surface mines;
- (H) Certificates for fire bosses;
- (I) Certificates for mine electricians;
- (J) Certificates for surface mine blasters;
- (K) Certificates for shot firers.

Applicants for certificates shall make application to the ~~board~~ chief, on a form provided by ~~it~~ the chief, for examination. All applicants shall be able to read and write the English language intelligently, and shall furnish the ~~board~~ chief with a certificate as to their character, length and description of their practical experience, and satisfactory evidence of their ability to perform the duties of the position for which they make application for examination.

Any certificate issued by the former mine examining board prior to ~~the effective date of this amendment~~ October 29, 1995, shall remain in effect notwithstanding the new classifications of certificates established by this amendment section.

Sec. 1561.26. (A) As used in this section, "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(B) The superintendent of rescue stations, with the approval of the chief of the division of mineral resources management, shall, at each rescue station provided for in section 1561.25 of the Revised Code, train and employ rescue crews of six members each, one of whom shall hold a mine foreperson or fire boss certificate and be designated captain, and train and employ any number of such rescue crews as the superintendent believes necessary. One member of a rescue crew shall be certified as an EMT-basic, EMT-I, or paramedic. Each member of a rescue crew shall devote the time specified by the chief each month for training purposes and shall be available at all times to assist in rescue work at explosions, mine fires, and other emergencies.

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.

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.

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 occur, be paid compensation, or their dependents shall be paid death benefits, from the workers' compensation fund, in the same manner as other employees of the state.

(C) In addition to the training of rescue crews, each assistant superintendent of rescue stations, with the approval of the superintendent, shall provide for and conduct safety, first aid, and rescue classes at any mine or for any group of miners who make application for the conducting of such classes. The chief may assess a fee for safety and first aid classes for the purpose of covering the costs associated with providing those classes. The chief shall establish a fee schedule for safety and first aid classes by rule adopted in accordance with Chapter 119. of the Revised Code. Fees collected under this section shall be deposited in the surface mining fund created in section 1514.06 of the Revised Code.

The superintendent shall prescribe and provide for a uniform schedule of conducting such safety and rescue classes as will provide a competent knowledge of modern safety and rescue methods in, at, and about mines.

Sec. 1561.35. If the deputy mine inspector finds that any matter, thing, or practice connected with any mine and not prohibited specifically by law is dangerous or hazardous, or that from a rigid enforcement of this chapter and Chapters 1509., 1563., 1565., and 1567. of the Revised Code, the matter, thing, or practice would become dangerous and hazardous so as to tend to the bodily injury of any person, the deputy mine inspector forthwith

shall give notice in writing to the owner, lessee, or agent of the mine of the particulars in which the deputy mine inspector considers the mine or any matter, thing, or practice connected therewith is dangerous or hazardous and recommend changes that the conditions require, and forthwith shall mail a copy of the report and the deputy mine inspector's recommendations to the chief of the division of mineral resources management. Upon receipt of the report and recommendations, the chief forthwith shall make a finding thereon and mail a copy to the owner, operator, lessee, or agent of the mine, and to the deputy mine inspector; a copy of the finding of the chief shall be posted upon the bulletin board of the mine. Where the miners have a mine safety committee, one additional copy shall be posted on the bulletin board for the use and possession of the committee.

The owner, operator, lessee, or agent of the mine, or the authorized representative of the workers of the mine, within ten days may appeal to the ~~mine-examining board~~ reclamation commission for a review and redetermination of the finding of the chief in the matter in accordance with section ~~1561.53~~ 1513.13 of the Revised Code, notwithstanding division (A)(1) of that section, which provides for appeals within thirty days. A copy of the decision of the ~~board~~ commission shall be mailed as required by this section for the mailing of the finding by the chief on the deputy mine inspector's report.

Sec. 1561.351. A deputy mine inspector who makes a finding concerning a violation of this chapter or Chapter 1563., 1565., or 1567. or section 1509.09, 1509.12, 1509.13, 1509.14, 1509.15, 1509.17, or 1509.18 of the Revised Code that involves mining safety shall notify the chief of the division of mineral resources management of the finding. The chief shall review the inspector's finding, make a written determination regarding it, and provide a copy of the written determination to the owner, operator, lessee, or agent of the mine involved. The chief shall provide a copy of the written determination to any other interested party upon request.

A person, such as an owner, operator, lessee, or agent of the mine or the authorized representative of the workers of the mine, who has an interest that is or may be adversely affected by the chief's determination may appeal the determination, not later than ten days after receiving notice of the determination, to the ~~mine-examining board~~ reclamation commission by filing a copy of the chief's written determination with the ~~board~~ commission, notwithstanding division (A)(1) of section 1513.13 of the Revised Code, which provides for appeals within thirty days. The ~~board~~ commission shall hear the appeal in accordance with section ~~1561.53~~ 1513.13 of the Revised Code.

Sec. 1561.46. Fees received by the ~~mine-examining board~~ chief of the division of mineral resources management under sections 1561.16 to 1561.22 of the Revised Code shall be paid by the ~~secretary of the board~~ chief into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code.

Sec. 1561.51. When written charges of neglect of duty, incompetency, or malfeasance in office against the deputy mine inspector are filed with the chief of the division of mineral resources management, signed by not less than fifteen employees, or otherwise as provided in section 1561.50 of the Revised Code, or the owner, lessee, or agent of a mine, and the signers of the charges are dissatisfied with the result of the investigation made by the chief, they may appeal to the ~~mine-examining board~~ reclamation commission by filing the same charges against the deputy mine inspector and a copy of the report of the investigation made by the chief in the matter with the ~~board~~ commission, and the ~~board~~ commission shall hear the appeal in accordance with section ~~1561.53~~ 1513.13 of the Revised Code. The ~~board~~ commission shall mail a copy of its decision to the complainant whose name appears first in the charges.

Sec. 1561.52. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~mine-examining board~~ chief of the division of mineral resources management shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter.

Sec. 1563.13. When a deputy mine inspector considers that the ways and means of egress in any underground mine from the interior working places to the surface are inadequate as a safe and ready means of escape in case of emergency, from danger of fire at any point, or any other cause that may result in the entombment of persons working in the mine, the deputy mine inspector shall give notice in writing to the owner, lessee, or agent of the mine of the particular in which the deputy mine inspector considers the conditions dangerous, recommending any changes that the conditions require, and forthwith shall mail a copy of the deputy mine inspector's recommendations to the chief of the division of mineral resources management. Upon receipt of the recommendations, the chief forthwith shall make a finding concerning them and mail a copy to the operator of the mine and to the deputy mine inspector. A copy of the finding of the chief shall be posted upon the bulletin board at the time.

The operator of the mine, or the authorized representative of the workers of the mine, within ten days may appeal to the ~~mine-examining board~~ reclamation commission for a review and redetermination of the

finding of the chief in the matter in accordance with section ~~1561.53~~ 1513.13 of the Revised Code, notwithstanding division (A)(1) of that section, which provides for appeals within thirty days. A copy of the decision of the ~~board~~ commission shall be mailed as required by this section for the mailing of the finding by the chief on the deputy mine inspector's report.

No operator of a mine shall refuse or neglect to comply with this section.

Sec. 1565.04. The operator of each mine who is an employer as defined in section 4123.01 of the Revised Code, or any mine ~~working with~~ three or more ~~men~~ workers, shall employ a certified mine ~~foreman~~ foreperson. In gaseous mines, only a holder of a mine ~~foreman~~ foreperson of gaseous mines certificate ~~which that~~ contains a notation by the ~~mine-examining board~~ chief of the division of mineral resources management showing the holder to be at least twenty-three years of age and have at least five years' actual practical experience in gaseous mines shall be employed as the mine ~~foreman~~ foreperson. In other mines, the mine ~~foreman~~ foreperson shall be a holder of a mine ~~foreman~~ foreperson of nongaseous mines certificate ~~which that~~ contains a notation by the ~~mine-examining board~~ chief showing the holder to be at least twenty-one years of age and have at least three years' actual practical experience in mines. All such mines shall have at least one certified ~~foreman~~ foreperson on duty at all times when ~~men~~ workers are employed in the loading or mining of coal.

No operator of a mine shall refuse or neglect to comply with this section.

Sec. 1565.06. (A) In emergencies arising at a mine because of accident, death, illness, or any other cause, an operator may appoint noncertificate persons as forepersons and fire bosses to act until certified forepersons and fire bosses satisfactory to the operator can be secured. Such appointee may not serve in such capacity for a period longer than six months or until such time thereafter as an examination is held for such certified persons under section 1561.13 of the Revised Code. The employer of such noncertificate person shall, upon appointment of such noncertificate person in this capacity, forward the name of such noncertificate person to the chief of the division of mineral resources management.

(B) An operator may appoint as a temporary foreperson or fire boss a noncertificate person who is within six months of possessing the necessary actual practical experience to qualify to take the examination for certification for the position to which the person is temporarily appointed. Upon appointment of a noncertificate person, the operator shall forward the

name, social security number, and brief summary of the person's actual practical experience to the ~~mine examining board chief~~, and the ~~board chief~~ shall issue the person a temporary certificate for the position to which the person has been temporarily appointed. A temporary certificate issued under this division is valid for six months or until such time thereafter as an examination is held under section 1561.13 of the Revised Code for the position to which the person has been temporarily appointed.

(C) A person who possesses a valid certificate issued by another state for a position for which the ~~mine examining board chief~~ issues a certificate shall be eligible for a temporary certificate from the ~~board chief~~ upon presentation to the ~~board chief~~ of a copy of the certificate from that other state. A temporary certificate issued under this division shall be valid for six months.

No operator of a mine shall violate or fail to comply with this section.

Sec. 1565.07. The superintendent in charge of a mine shall direct the mine foreperson in such manner as is necessary to secure compliance with this chapter and Chapters 1561., 1563., and 1567. and sections 1509.18 and 1509.19 of the Revised Code. The superintendent may act as mine foreperson, but if the superintendent does so act regularly, the superintendent shall obtain a certificate from the ~~mine examining board chief of the division of mineral resources management~~ in the same manner as the certification of mine foreperson is obtained.

A person designated as a superintendent of an underground coal mine after January 1, 1977, shall, within six months after being so designated, demonstrate to the chief ~~of the division of mineral resources management~~ that the person has knowledge of the mining laws of this state governing the operation of underground coal mines either by presenting evidence that the person has passed a mine foreperson examination given by the ~~mine examining board chief~~ or an examination given by the chief concerning the laws of this state governing the operation of underground coal mines.

No person shall refuse or neglect to comply with this section.

Sec. 1565.08. If a person certified by the ~~mine examining board chief of the division of mineral resources management~~ purposely violates the mining laws, the person's certificate may be revoked ~~by the chief~~ after investigation and a hearing in accordance with Chapter 119. of the Revised Code, ~~by the chief of the division of mineral resources management, with the approval of the mine examining board.~~

No person whose license, certificate, or similar authority to perform any certifiable mining duties in another state is suspended or revoked by that state shall be certified for an equivalent mining certificate in this state

during the period of the suspension or revocation in the other state.

Sec. 1565.25. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~mine-examining board~~ chief of the division of mineral resources management shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter.

Sec. 1701.05. (A) Except as provided in this section, and in sections 1701.75, 1701.78, and 1701.82 of the Revised Code, which sections relate to the reorganization, merger, and consolidation of corporations, the corporate name of a domestic corporation shall comply with all of the following:

(1) It shall end with or include the word or abbreviation "company," "co.," "corporation," "corp.," "incorporated," or "inc."

(2) It shall be distinguishable upon the records in the office of the secretary of state from all of the following:

(a) The name of any other corporation, whether nonprofit or for profit and whether that of a domestic or of a foreign corporation authorized to do business in this state;

(b) The name of any limited liability company registered in the office of the secretary of state pursuant to Chapter 1705. of the Revised Code, whether domestic or foreign;

(c) The name of any limited liability partnership registered in the office of the secretary of state pursuant to Chapter 1775. of the Revised Code, whether domestic or foreign;

(d) The name of any limited partnership registered in the office of the secretary of state pursuant to Chapter 1782. of the Revised Code, whether domestic or foreign;

(e) Any trade name the exclusive right to which is at the time in question registered in the office of the secretary of state pursuant to Chapter 1329. of the Revised Code.

(3) It shall not contain any language that indicates or implies that the corporation is connected with a government agency of this state, another state, or the United States.

(B) The secretary of state shall determine for purposes of this section whether a name is "distinguishable" from another name upon the secretary of state's records. Without excluding other names that may not constitute distinguishable names in this state, a name is not considered distinguishable from another name for purposes of this section solely because it differs from the other name in only one or more of the following manners:

(1) The use of the word "corporation," "company," "incorporated," "limited," or any abbreviation of any of those words;

(2) The use of any article, conjunction, contraction, abbreviation, or punctuation;

(3) The use of a different tense or number of the same word.

(C) A corporation may apply to the secretary of state for authorization to use a name that is not distinguishable upon the secretary of state's records from the name of any other corporation, limited liability company, limited liability partnership, or limited partnership, or from a registered trade name, if there also is filed in the office of the secretary of state, on a form prescribed by the secretary of state, the consent of the other entity or, in the case of a registered trade name, the person in whose name is registered the exclusive right to use the name, which consent is evidenced in a writing signed by any authorized officer or any authorized representative of the other entity or person.

(D) In case of judicial sale or judicial transfer, by sale or transfer of good will or otherwise, of the right to use the name of a corporation, whether nonprofit or for profit, and whether that of a domestic corporation or of a foreign corporation authorized to exercise its corporate privileges in this state or to do business in this state, the secretary of state, at the instance of the purchaser or transferee of such right, shall accept for filing articles of a corporation with a name the same as or similar to the name of such other corporation, if there also is filed in the office of the secretary of state a certified copy of the decree or order of court confirming or otherwise evidencing the purchase or transfer.

(E) Any person who wishes to reserve a name for a proposed new corporation, or any corporation intending to change its name, may submit to the secretary of state a written application, on a form prescribed by the secretary of state, for the exclusive right to use a specified name as the name of a corporation. If the secretary of state finds that, under this section, the specified name is available for such use, the secretary of state shall file the application and, from the date of the filing, the applicant shall have the exclusive right for ~~sixty~~ one hundred eighty days to use the specified name as the name of a corporation, counting the date of such filing as the first of ~~sixty~~ one hundred eighty days. The right so obtained may be transferred by the applicant or other holder thereof by the filing in the office of the secretary of state of a written transfer, on a form prescribed by the secretary of state, stating the name and address of the transferee.

~~(F) For filing under this section any application or other document, other than articles or a consent to the use of a name, the secretary of state shall charge and collect a fee of five dollars.~~

Sec. 1701.07. (A) Every corporation shall have and maintain an agent,

sometimes referred to as the "statutory agent," upon whom any process, notice, or demand required or permitted by statute to be served upon a corporation may be served. The agent may be a natural person who is a resident of this state or may be a domestic corporation or a foreign corporation holding a license as such under the laws of this state, that is authorized by its articles of incorporation to act as such agent and that has a business address in this state.

(B) The secretary of state shall not accept original articles for filing unless there is filed with the articles a written appointment of an agent that is signed by the incorporators of the corporation or a majority of them and a written acceptance of the appointment that is signed by the agent. In all other cases, the corporation shall appoint the agent and shall file in the office of the secretary of state a written appointment of the agent that is signed by any authorized officer of the corporation and a written acceptance of the appointment that is either the original acceptance signed by the agent or a photocopy, facsimile, or similar reproduction of the original acceptance signed by the agent.

(C) The written appointment of an agent shall set forth the name and address in this state of the agent, including the street and number or other particular description, and shall otherwise be in such form as the secretary of state prescribes. The secretary of state shall keep a record of the names of corporations, and the names and addresses of their respective agents.

(D) If any agent dies, removes from the state, or resigns, the corporation shall forthwith appoint another agent and file with the secretary of state, on a form prescribed by the secretary of state, a written appointment of the agent.

(E) Unless the change is reported on the annual report filed with the department of taxation, if the agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the corporation or the agent shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address.

(F) An agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice to that effect that is signed by the agent and by sending a copy of the notice to the corporation at the current or last known address of its principal office on or prior to the date the notice is filed with the secretary of state. The notice shall set forth the name of the corporation, the name and current address of the agent, the current or last known address, including the street and number or other particular description, of the corporation's principal office, the resignation of

the agent, and a statement that a copy of the notice has been sent to the corporation within the time and in the manner prescribed by this division. Upon the expiration of thirty days after the filing, the authority of the agent shall terminate.

(G) A corporation may revoke the appointment of an agent by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and a statement that the appointment of the former agent is revoked.

(H) Any process, notice, or demand required or permitted by statute to be served upon a corporation may be served upon the corporation by delivering a copy of it to its agent, if a natural person, or by delivering a copy of it at the address of its agent in this state, as the address appears upon the record in the office of the secretary of state. If (1) the agent cannot be found, or (2) the agent no longer has that address, or (3) the corporation has failed to maintain an agent as required by this section, and if in any such case the party desiring that the process, notice, or demand be served, or the agent or representative of the party, shall have filed with the secretary of state an affidavit stating that one of the foregoing conditions exists and stating the most recent address of the corporation that the party after diligent search has been able to ascertain, then service of process, notice, or demand upon the secretary of state, as the agent of the corporation, may be initiated by delivering to the secretary of state or at the secretary of state's office quadruplicate copies of such process, notice, or demand and by paying to the secretary of state a fee of five dollars. The secretary of state shall forthwith give notice of the delivery to the corporation at its principal office as shown upon the record in the secretary of state's office and at any different address shown on its last franchise tax report filed in this state, or to the corporation at any different address set forth in the above mentioned affidavit, and shall forward to the corporation at said addresses, by certified mail, with request for return receipt, a copy of the process, notice, or demand; and thereupon service upon the corporation shall be deemed to have been made.

(I) The secretary of state shall keep a record of each process, notice, and demand delivered to the secretary of state or at the secretary of state's office under this section or any other law of this state that authorizes service upon the secretary of state, and shall record the time of the delivery and the action thereafter with respect thereto.

(J) This section does not limit or affect the right to serve any process, notice, or demand upon a corporation in any other manner permitted by law.

(K) Every corporation shall state in each annual report filed by it with

the department of taxation the name and address of its statutory agent.

(L) Except when an original appointment of an agent is filed with the original articles, a written appointment of an agent or a written statement filed by a corporation with the secretary of state shall be signed by any authorized officer of the corporation or by the incorporators of the corporation or a majority of them if no directors have been elected.

(M) For filing a written appointment of an agent other than one filed with original articles, and for filing a statement of change of address of an agent, the secretary of state shall charge and collect a the fee specified in division (R) of three dollars section 111.16 of the Revised Code.

(N) Upon the failure of a corporation to appoint another agent or to file a statement of change of address of an agent, the secretary of state shall give notice thereof by certified mail to the corporation at the address set forth in the notice of resignation or on the last franchise tax return filed in this state by the corporation. Unless the default is cured within thirty days after the mailing by the secretary of state of the notice or within any further period of time that the secretary of state grants, upon the expiration of that period of time from the date of the mailing, the articles of the corporation shall be canceled without further notice or action by the secretary of state. The secretary of state shall make a notation of the cancellation on the secretary of state's records.

A corporation whose articles have been canceled may be reinstated by filing, on a form prescribed by the secretary of state, an application for reinstatement and the required appointment of agent or required statement, and by paying a the filing fee specified in division (Q) of ten dollars section 111.16 of the Revised Code. The rights, privileges, and franchises of a corporation whose articles have been reinstated are subject to section 1701.922 of the Revised Code. The secretary of state shall furnish the tax commissioner a monthly list of all corporations canceled and reinstated under this division.

(O) This section does not apply to banks, trust companies, insurance companies, or any corporation defined under the laws of this state as a public utility for taxation purposes.

Sec. 1701.81. (A) Upon adoption by each constituent entity of an agreement of merger or consolidation pursuant to section 1701.78, 1701.781, 1701.79, 1701.791, 1701.80, or 1701.801 of the Revised Code, a certificate of merger or consolidation shall be filed with the secretary of state that is signed by any authorized representative of each constituent corporation, partnership, or other entity. The certificate shall be on a form prescribed by the secretary of state and shall set forth only the information

equired 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 each representative authorized to sign the certificate on behalf of each constituent entity and the office held or the capacity in which the representative is acting;

(f) A statement that the agreement of merger or consolidation is authorized on behalf of each constituent entity and that each person who signed the certificate on behalf of each entity is authorized to do so;

(g) In the case of a merger, a statement that one or more specified constituent entities will be merged into a specified surviving entity or, in the case of a consolidation, a statement that the constituent entities will be consolidated into a new entity;

(h) In the case of a merger, if the surviving entity is a foreign entity not licensed to transact business in this state, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity may be served;

(i) In the case of a consolidation, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity or the new entity may be served.

(2) In the case of a consolidation into a new domestic corporation, limited liability company, or limited partnership, the articles of incorporation, the articles of organization, or the certificate of limited partnership of the new domestic entity shall be filed with the certificate of merger or consolidation.

(3) In the case of a merger into a domestic corporation, limited liability company, or limited partnership, any amendments to the articles of incorporation, articles of organization, or certificate of limited partnership of the surviving domestic entity shall be filed with the certificate of merger or

consolidation.

(4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, limited liability company, or limited partnership, the certificate of merger or consolidation shall be accompanied by the information required by division (B)(8), (9), or (10) of section 1701.791 of the Revised Code.

(5) If a foreign or domestic corporation licensed to transact business in this state is a constituent entity and the surviving or new entity resulting from the merger or consolidation is not a foreign or domestic corporation that is to be licensed to transact business in this state, the certificate of merger or consolidation shall be accompanied by the affidavits, receipts, certificates, or other evidence required by division (H) of section 1701.86 of the Revised Code, with respect to each domestic constituent corporation, and by the affidavits, receipts, certificates, or other evidence required by division (C) or (D) of section 1703.17 of the Revised Code, with respect to each foreign constituent corporation licensed to transact business in this state.

(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 such later date as 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 fee specified in division (D) of ten dollars section 111.16 of the Revised Code, the secretary of state's certificate setting forth the name and the form of entity of each constituent entity and the states under the laws of which each constituent entity existed prior to the merger or consolidation, the name and the form of entity of the surviving or new entity and the state under the laws of which the surviving entity exists or the new entity is to exist, the date of filing of the certificate of merger or consolidation with the secretary of state, and the effective date of the merger or consolidation. The certificate of the secretary of state, or a copy of the certificate of merger or consolidation certified by the secretary of state, may be filed for record in the office of the recorder of any county in this state and, if filed, shall be recorded in the records of deeds for that county. For that recording, the county recorder shall charge and collect the same fee as in the case of deeds.

Sec. 1702.05. (A) Except as provided in this section and in sections 1702.41 and 1702.45 of the Revised Code, the secretary of state shall not accept for filing in the secretary of state's office any articles if the corporate name set forth in the articles is not distinguishable upon the secretary of state's records from any of the following:

(1) The name of any other corporation, whether a nonprofit corporation or a business corporation and whether that of a domestic or of a foreign corporation authorized to do business in this state;

(2) The name of any limited liability company registered in the office of the secretary of state pursuant to Chapter 1705. of the Revised Code, whether domestic or foreign;

(3) 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;

(4) 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;

(5) Any trade name, the exclusive right to which is at the time in question registered in the office of the secretary of state pursuant to Chapter 1329. of the Revised Code.

(B) The secretary of state shall determine for purposes of this section whether a name is "distinguishable" from another name upon the secretary of state's records. Without excluding other names that may not constitute distinguishable names in this state, a name is not considered distinguishable from another name for purposes of this section solely because it differs from the other name in only one or more of the following manners:

(1) The use of the word "corporation," "company," "incorporated," "limited," or any abbreviation of any of those words;

(2) The use of any article, conjunction, contraction, abbreviation, or punctuation;

(3) The use of a different tense or number of the same word.

(C) A corporation may apply to the secretary of state for authorization to use a name that is not distinguishable upon the secretary of state's records from the name of any other corporation, any limited liability company, limited liability partnership, or limited partnership, or from a registered trade name, if there also is filed in the office of the secretary of state, on a form prescribed by the secretary of state, the consent of the other entity, or, in the case of a registered trade name, the person in whose name is registered the exclusive right to use the name, which consent is evidenced in a writing signed by any authorized officer or authorized representative of the

other entity or person.

(D) In case of judicial sale or judicial transfer, by sale or transfer of good will or otherwise, of the right to use the name of a nonprofit corporation or business corporation, whether that of a domestic corporation or of a foreign corporation authorized to exercise its corporate privileges in this state or to do business in this state, the secretary of state, at the instance of the purchaser or transferee of such right, shall accept for filing articles of a corporation with a name the same as or similar to the name of such other corporation, if there also is filed in the office of the secretary of state a certified copy of the decree or order of court confirming or otherwise evidencing the purchase or transfer.

(E) Any person who wishes to reserve a name for a proposed new corporation, or any corporation intending to change its name, may submit to the secretary of state a written application, on a form prescribed by the secretary of state, for the exclusive right to use a specified name as the name of a corporation. If the secretary of state finds that, under this section, the specified name is available for such use, the secretary of state shall file such application, and, from the date of such filing, 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 corporation, counting the date of such filing as the first of the ~~sixty one hundred eighty~~ sixty one hundred eighty days. The right so obtained may be transferred by the applicant or other holder of the right by the filing in the office of the secretary of state of a written transfer, on a form prescribed by the secretary of state, stating the name and address of the transferee.

~~(F) For filing under this section any application or other document, other than articles or a consent to the use of a name, the secretary of state shall charge and collect a fee of five dollars.~~

Sec. 1702.06. (A) Every corporation shall have and maintain an agent, sometimes referred to as the "statutory agent," upon whom any process, notice, or demand required or permitted by statute to be served upon a corporation may be served. The agent may be a natural person who is a resident of this state, or may be a domestic or foreign business corporation holding a license as such under the laws of this state that is authorized by its articles of incorporation to act as such agent, and that has a business address in this state.

(B) The secretary of state shall not accept original articles for filing unless there is filed with the articles a written appointment of an agent signed by the incorporators of the corporation or a majority of them and a written acceptance of the appointment signed by the agent. In all other cases, the corporation shall appoint the agent and shall file in the office of

the secretary of state a written appointment of the agent that is signed by any authorized officer of the corporation and a written acceptance of the appointment that is either the original acceptance signed by the agent or a photocopy, facsimile, or similar reproduction of the original acceptance signed by the agent.

(C) The written appointment of an agent shall set forth the name and address in this state of the agent, including the street and number or other particular description, and shall otherwise be in such form as the secretary of state prescribes. The secretary of state shall keep a record of the names of corporations and the names and addresses of their respective agents.

(D) If any agent dies, removes from the state, or resigns, the corporation shall forthwith appoint another agent and file with the secretary of state, on a form prescribed by the secretary of state, a written appointment of that agent.

(E) If the agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the corporation or the agent shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address.

(F) An agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice to that effect that is signed by the agent and by sending a copy of the notice to the corporation at the current or last known address of its principal office on or prior to the date that notice is filed with the secretary of state. The notice shall set forth the name of the corporation, the name and current address of the agent, the current or last known address, including the street and number or other particular description, of the corporation's principal office, the resignation of the agent, and a statement that a copy of the notice has been sent to the corporation within the time and in the manner prescribed by this division. Upon the expiration of sixty days after such filing, the authority of the 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

as failed to maintain an agent as required by this section, and if in any such case the party desiring that such process, notice, or demand be served, or the agent or representative of the party, shall have filed with the secretary of state an affidavit stating that one of the foregoing conditions exists and stating the most recent address of the corporation that the party after diligent search has been able to ascertain, then service of process, notice, or demand upon the secretary of state, as the agent of the corporation, may be initiated by delivering to the secretary of state or at the secretary of state's office triplicate copies of such process, notice, or demand and by paying to the secretary of state a fee of five dollars. The secretary of state shall forthwith give notice of such delivery to the corporation at its principal office as shown upon the record in the secretary of state's office and also to the corporation at any different address set forth in the above mentioned affidavit, and shall forward to the corporation at each of those addresses, by certified mail, with request for return receipt, a copy of such process, notice, or demand; and thereupon service upon the corporation shall be deemed to have been made.

(I) The secretary of state shall keep a record of each process, notice, and demand delivered to the secretary of state or at the secretary of state's office under this section or any other law of this state that authorizes service upon the secretary of state, and shall record the time of such delivery and the secretary of state's action thereafter with respect thereto.

(J) This section does not limit or affect the right to serve any process, notice, or demand upon a corporation in any other manner permitted by law.

(K) Except when an original appointment of an agent is filed with the original articles, a written appointment of an agent or a written statement filed by a corporation with the secretary of state shall be signed by any authorized officer of the corporation or by the incorporators of the corporation or a majority of them if no directors have been elected.

(L) For filing a written appointment of an agent other than one filed with original articles, and for filing a statement of change of address of an agent, the secretary of state shall charge and collect a the fee specified in division (R) of ~~three dollars~~ section 111.16 of the Revised Code.

(M) Upon the failure of any corporation to appoint another agent or to file a statement of change of address of an agent, the secretary of state shall give notice thereof by certified mail to the corporation at the address set forth in the notice of resignation or on the most recent statement of continued existence filed in this state by the corporation. Unless the failure is cured within thirty days after the mailing by the secretary of state of the notice or within any further period the secretary of state grants, upon the

expiration of that period, the articles of the corporation shall be canceled without further notice or action by the secretary of state. The secretary of state shall make a notation of the cancellation on the secretary of state's records. A corporation whose articles have been canceled may be reinstated by filing, on a form prescribed by the secretary of state, an application for reinstatement and the required appointment of agent or required statement, and by paying a the filing fee specified in division (Q) of ten dollars section 111.16 of the Revised Code. The rights, privileges, and franchises of a corporation whose articles have been reinstated are subject to section 1702.60 of the Revised Code. The secretary of state shall furnish the tax commissioner a monthly list of all corporations canceled and reinstated under this division.

(N) This section does not apply to banks, trust companies, insurance companies, or any corporation defined under the laws of this state as a public utility for taxation purposes.

Sec. 1702.43. (A) Upon adoption by each constituent corporation of an agreement of merger or consolidation pursuant to section 1702.42 or 1702.45 of the Revised Code, a certificate of merger or consolidation, signed by any authorized representative of each constituent corporation, shall be filed with the secretary of state. The certificate shall be on a form prescribed by the secretary of state and shall set forth only the information required by this section.

(1) The certificate of merger or consolidation shall set forth all of the following:

(a) The name of each constituent entity and the state under whose laws each constituent entity exists;

(b) A statement that each constituent entity has complied with all of the laws under which it exists and that the laws permit the merger or consolidation;

(c) The name and mailing address of the person or entity that is to provide, in response to any written request made by a member or other person, a copy of the agreement of merger or consolidation;

(d) The effective date of the merger or consolidation, which date may be on or after the date of the filing of the certificate;

(e) The signature of each representative authorized to sign the certificate on behalf of each constituent entity and the office each representative authorized to sign holds or the capacity in which the representative is acting;

(f) A statement that the agreement of merger or consolidation is authorized on behalf of each constituent entity and that each person who signed the certificate on behalf of each entity is authorized to do so;

(g) In the case of a merger, a statement that one or more specified constituent entities will be merged into a specified surviving entity or, in the case of a consolidation, a statement that the constituent entities will be consolidated into a new entity;

(h) In the case of a merger, if the surviving entity is a foreign entity not licensed to transact business in this state, the name and address of the statutory agent upon whom any process, notice, or demand may be served;

(i) In the case of a consolidation, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity or the new entity may be served.

(2) In the case of a consolidation into a new domestic corporation, the certificate of consolidation shall be accompanied by a copy of the articles of incorporation of the new domestic corporation.

(3) In the case of a merger into a domestic corporation, the certificate of merger shall be accompanied by a copy of any amendments to the articles of incorporation of the surviving domestic corporation.

(4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, the certificate of merger or consolidation shall contain a statement to that effect and a statement with respect to the appointment of the statutory agent and with respect to the consent to service of any process, notice, or demand upon that statutory agent or the secretary of state, as required when a foreign corporation applies for a certificate authorizing it to transact business in this state.

(5) If a domestic or foreign corporation licensed to transact business in this state is a constituent entity and the surviving or new entity resulting from the merger or consolidation is not a domestic or foreign corporation that is to be licensed to transact business in this state, the certificate of merger or consolidation shall be accompanied by the affidavits, receipts, certificates, or other evidence required by division (G) of section 1702.47 of the Revised Code, with respect to each domestic corporation, and by the affidavits, receipts, certificates, or other evidence required by division (C) or (D) of section 1703.17 of the Revised Code, with respect to each foreign constituent corporation licensed to transact business in this state.

(B) If any constituent entity in a merger or consolidation is organized or formed under the laws of a state other than this state or under any chapter of the Revised Code other than this chapter, there also shall be filed in the proper office all documents that are required to be filed in connection with the merger or consolidation by the laws of that state or by that chapter.

(C) Upon the filing of a certificate of merger or consolidation and other

filings as described in division (B) of this section, or at such later date as the certificate of merger or consolidation specifies, the merger or consolidation shall become effective.

(D) The secretary of state shall furnish, upon request and payment of ~~a~~ the fee specified in division (D) of ten dollars section 111.16 of the Revised Code, a certificate setting forth the name of each constituent entity and the state under whose laws each constituent entity existed prior to the merger or consolidation, the name of the surviving or new entity and the state under whose laws the surviving entity exists or the new entity is to exist, the date of filing of the certificate of merger or consolidation with the secretary of state, and the effective date of the merger or consolidation. The certificate of the secretary of state or a copy of the merger or consolidation certified by the secretary of state may be filed for record in the office of the recorder of any county in this state and, if filed, shall be recorded in the records of deeds for that county. For that recording, the county recorder shall charge and collect the same fee as in the case of deeds.

Sec. 1702.59. (A) Every nonprofit corporation, incorporated under the general corporation laws of this state, or previous laws, or under special provisions of the Revised Code, or created before September 1, 1851, which corporation has expressly or impliedly elected to be governed by the laws passed since that date, and whose articles or other documents are filed with the secretary of state, shall file with the secretary of state a verified statement of continued existence, signed by a director, officer, or three members in good standing, setting forth the corporate name, the place where the principal office of the corporation is located, the date of incorporation, the fact that the corporation is still actively engaged in exercising its corporate privileges, and the name and address of its agent appointed pursuant to section 1702.06 of the Revised Code.

(B) Each corporation required to file a statement of continued existence shall file it with the secretary of state within each five years after the date of incorporation or of the last corporate filing. ~~For filing such statements of continued existence, the secretary of state shall charge and collect a fee of five dollars.~~

(C) Corporations specifically exempted by division (N) of section 1702.06 of the Revised Code, or whose activities are regulated or supervised by another state official, agency, bureau, department, or commission are exempted from this section.

(D) The secretary of state shall give notice in writing and provide a form for compliance with this section to each corporation required by this section to file the statement of continued existence, such notice and form to be

mailed to the last known address of the corporation as it appears on the records of the secretary of state or which the secretary of state may ascertain upon a reasonable search.

(E) ~~In the event~~ If any nonprofit corporation required by this section to file a statement of continued existence fails to file the statement required every fifth year, then the secretary of state shall cancel the articles of such corporation, make a notation of the cancellation on the records, and mail to the corporation a certificate of the action so taken.

(F) A corporation whose articles have been canceled may be reinstated by filing an application for reinstatement and paying to the secretary of state a the fee specified in division (Q) of ten dollars section 111.16 of the Revised Code. The name of a corporation whose articles have been canceled shall be reserved for a period of one year after the date of cancellation. If the reinstatement is not made within one year from the date of the cancellation of its articles of incorporation and it appears that a corporate name, limited liability company name, limited liability partnership name, limited partnership name, or trade name has been filed, the name of which is not distinguishable upon the record as provided in section 1702.06 of the Revised Code, the applicant for reinstatement shall be required by the secretary of state, as a condition prerequisite to such reinstatement, to amend its articles by changing its name. A certificate of reinstatement may be filed in the recorder's office of any county in the state, for which the recorder shall charge and collect a fee of one dollar. The rights, privileges, and franchises of a corporation whose articles have been reinstated are subject to section 1702.60 of the Revised Code.

(G) The secretary of state shall furnish the tax commissioner a list of all corporations failing to file the required statement of continued existence.

Sec. 1703.04. (A) To procure a license to transact business in this state, a foreign corporation for profit shall file with the secretary of state a certificate of good standing or subsistence, dated not earlier than ninety days prior to the filing of the application, under the seal of the secretary of state, or other proper official, of the state under the laws of which said corporation was incorporated, setting forth:

- (1) The exact corporate title;
- (2) The date of incorporation;
- (3) The fact that the corporation is in good standing or is a subsisting corporation.

(B) To procure such a license, such corporation also shall file with the secretary of state an application in such form as the secretary of state prescribes, verified by the oath of any authorized officer of such

corporation, setting forth, but not limited to:

(1) The name of the corporation and, if its corporate name is not available, the trade name under which it will do business in this state;

(2) The name of the state under the laws of which it was incorporated;

(3) The location and complete address of its principal office;

(4) The name of the county and the municipal corporation or township in which its principal office within this state, if any, is to be located;

(5) The appointment of a designated agent and the complete address of such agent;

(6) The irrevocable consent of such corporation to service of process on such agent so long as the authority of such agent continues and to service of process upon the secretary of state in the events provided for in section 1703.19 of the Revised Code;

(7) A brief summary of the corporate purposes to be exercised within this state.

~~(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.~~

~~(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.

(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 foreign corporation may be authorized to transact business in this state by filing with the secretary of state, in addition to those items otherwise prescribed by this section, a statement signed by an authorized officer directing the foreign corporation to make application for a license to transact business in this state under an assumed business name or names that comply with the requirements of this division and stating that the foreign corporation will transact business in this state only under the assumed name or names. The application for a license shall be on a form prescribed by the secretary of state.

Sec. 1703.041. (A) Every foreign corporation for profit that is licensed to transact business in this state, and every foreign nonprofit corporation that is licensed to exercise its corporate privileges in this state, shall have and maintain an agent, sometimes referred to as the "designated agent," upon whom process against the corporation may be served within this state. The agent may be a natural person who is a resident of this state, or may be a domestic corporation for profit or a foreign corporation for profit holding a license under the laws of this state that is authorized by its articles of incorporation to act as an agent and that has a business address in this state.

(B) The written appointment of a designated agent shall set forth the name and address of the agent, including the street and number or other particular description, and shall otherwise be in such form as the secretary of state prescribes. The secretary of state shall keep a record of the names of such foreign corporations and the names and addresses of their respective agents.

(C) If the designated agent dies, removes from the state, or resigns, the foreign corporation shall forthwith appoint another agent and file in the office of the secretary of state an amendment to the corporation's application for a foreign license indicating the name and address, on a form prescribed by the secretary of state, a written appointment of the new agent.

(D) If the designated agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the foreign corporation or the designated agent in its behalf shall forthwith file with the secretary of state an amendment to the corporation's application for a foreign license setting forth the new address unless the change is reported on the annual report filed with the department of taxation, on a form prescribed by the secretary of state, a written statement setting forth the agent's new address.

(E) A designated agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a signed statement to that effect. The secretary of state shall forthwith mail a copy of ~~such~~ the

statement to the foreign corporation at its principal office as shown by the record in the secretary of state's office. Upon the expiration of sixty days after the filing, the authority of the agent shall terminate.

(F) A foreign corporation may revoke the appointment of a designated agent by filing with the secretary of state ~~an amendment to its application for a foreign license appointing another agent that includes, on a form prescribed by the secretary of state, a written appointment of another agent~~ and a statement that the appointment of the former agent is revoked.

(G) Process may be served upon a foreign corporation by delivering a copy of it to its designated agent, if a natural person, or by delivering a copy of it at the address of its agent in this state, as the address appears upon the record in the office of the secretary of state.

(H) This section does not limit or affect the right to serve process upon a foreign corporation in any other manner permitted by law.

(I) Every foreign corporation for profit shall state in each annual report filed by it with the department of taxation the name and address of its designated agent in this state.

Sec. 1703.15. No foreign corporation shall transact in this state any business that could not be lawfully transacted by a domestic corporation. Whenever the secretary of state finds that a foreign corporation licensed to transact business in this state is transacting in this state a business that a domestic corporation could not lawfully transact, is transacting business in this state in a corporate name that is not readily distinguishable from the name of every other corporation, limited liability company, limited liability partnership, or limited partnership, domestic or foreign, or every trade name, registered in the office of the 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 prescribed by the secretary of state, an application for reinstatement accompanied by a the fee specified in division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. If the application for reinstatement is submitted in a tax year or calendar year other than that in which the cancellation occurred, the application also shall be accompanied by a certificate of reinstatement issued by the department of taxation. The name of a corporation whose license has been canceled pursuant to this section shall be reserved for a period of one year after the date of cancellation. If the reinstatement is not made within one year after the date of cancellation of the foreign license and it appears that a corporate name, limited liability company name, limited liability partnership name, limited partnership name, or trade name has been filed, the name of which is not distinguishable upon the record as provided in division (D) of section 1703.04 of the Revised Code, the secretary of state shall require the applicant for the reinstatement, as a condition prerequisite to such reinstatement, to apply for authorization to transact business in this state under an assumed name.

Sec. 1703.17. (A) A foreign corporation may surrender its license to transact business in this state in the manner provided in this section.

(B) A certificate of surrender signed by any authorized officer, or by the receiver, trustee in bankruptcy, or other liquidator of such corporation, shall be filed with the secretary of state, on a form prescribed by the secretary of state, setting forth:

(1) The name of the corporation and of the state under the laws of which it is incorporated;

(2) That it surrenders its license;

(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 ~~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.

Before issuing such certificate, the secretary of state shall require such

foreign corporation to file in the secretary of state's office a certificate of good standing or subsistence, setting forth the exact corporate title, the date of incorporation, and the fact that the corporation is in good standing or is a subsisting corporation, certified by the secretary of state, or other proper official, of the state under the laws of which the corporation was incorporated, and a statement, on a form prescribed by the secretary of state, verified by the oath of one of its officers, setting forth, but not limited to, the following:

- (A) The name of the corporation;
- (B) The state under the laws of which it is incorporated;
- (C) The location of its principal office;
- (D) The corporate privileges it proposes to exercise in this state;
- (E) The location of its principal office in this state;
- (F) The appointment of a designated agent and the complete address of such agent;
- (G) Its irrevocable consent to service of process on such agent so long as the authority of the agent continues and to service of process upon the secretary of state in the events provided for in section 1703.19 of the Revised Code.

For the filing of ~~such~~ that statement, the secretary of state shall charge and collect a the fee specified in division (D)(1) of thirty-five dollars section 111.16 of the Revised Code.

A foreign nonprofit corporation shall file an amendment with the secretary of state if there is a modification of any of the information required to be included in its statement, except for changes in information required by division (F) of this section, which shall be corrected in the same manner as described in section 1702.06 of the Revised Code. For the filing of ~~such amendment~~ those amendments and corrections, the secretary of state shall charge and collect a the fee specified in division (B) or (R) of fifty dollars section 111.16 of the Revised Code.

Sections 1703.01 to 1703.31 of the Revised Code, governing foreign corporations for profit in respect to exemption from attachment, change of location of principal office, change of its designated agent or of the designated agent's address, service on the secretary of state, license certificate as prima-facie evidence, proof of due incorporation, filing of amendments evidencing changes of corporate name, merger, or consolidation, filing of certificate of surrender, service on retired corporation, and penalties or forfeitures for transacting business without license, for false reports, and for failure to comply with other applicable provisions of such sections, shall also apply to foreign nonprofit

corporations.

The secretary of state may require further reports, certificates, or information from a foreign nonprofit corporation, including verification of the continued existence of the corporation. Upon the failure of any corporation to provide the information, the secretary of state shall give notice of the failure by certified mail and, if the report is not filed within thirty days after the mailing of the notice, the license of the corporation to exercise its corporate privileges in this state shall expire and the secretary of state shall make a notation to that effect on the secretary of state's records.

Sec. 1703.31. (A) Any foreign corporation may register its corporate name, if its corporate name is available for use under division (D) of section 1703.04 of the Revised Code, by filing in the office of the secretary of state an application, on a form prescribed by the secretary of state, that contains the following information:

- (1) The exact corporate name to be registered;
- (2) The complete address of the principal office of the corporation;
- (3) The jurisdiction of its incorporation;
- (4) The date of its incorporation;
- (5) A statement that it is carrying on or doing business;
- (6) The general nature of the business in which it is engaged;
- (7) Any other information required by the secretary of state.

The application shall be signed and verified by an officer of the applicant.

The application shall be accompanied by a certificate stating that the corporation is in good standing under the laws of the jurisdiction of its incorporation, which certificate shall be executed by the official of the jurisdiction having custody of the records pertaining to corporations and dated not earlier than sixty days prior to the filing of the application.

~~A The filing fee specified in division (S)(1) of twenty-five dollars, payable to the secretary of state, section 111.16 of the Revised Code shall accompany the application.~~

(B) Registration of a corporate name under this section is effective for a term of one year from the date of registration. Upon application, on a form prescribed by the secretary of state, filed with the secretary of state prior to the expiration of each one-year term, the registration may be renewed for an additional term. The renewal application shall set forth the facts required to be set forth in the original application for registration, together with a certificate of good standing as required for the initial registration.

The secretary of state shall notify registrants within the three months before the expiration of one year from the date of registration of the

necessity of renewal by writing to the principal office address of the registrants as shown upon the current registration in effect.

~~A~~ The renewal fee specified in division (S)(3) of ~~twenty five dollars~~ section 111.16 of the Revised Code, payable to the secretary of state, shall accompany the application for renewal of the registration.

Sec. 1705.05. (A) The name of a limited liability company shall include the words, "limited liability company," without abbreviation or shall include one of the following abbreviations: "LLC," "L.L.C.," "limited," "ltd.," or "ltd".

(B)(1) Except as provided in this section and in sections 1701.75, 1701.78, 1701.82, 1705.36, and 1705.37 of the Revised Code, the secretary of state shall not accept for filing in the secretary of state's office the articles of organization of a limited liability company if the company name set forth in the articles is not distinguishable on the records of the secretary of state from the name of any of the following:

(a) Any other limited liability company, whether the name is of a domestic limited liability company or of a foreign limited liability company registered as a foreign limited liability company under this chapter;

(b) Any corporation, whether the name is of a domestic corporation or of a foreign corporation holding a license as a foreign corporation under the laws of this state pursuant to Chapter 1701., 1702., or 1703. of the Revised Code;

(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 corporation holding a license as a foreign corporation under the laws of this state.

(B)(1) The secretary of state shall not accept original articles of organization of a limited liability company for filing unless the articles are accompanied by both of the following:

(a) A written appointment of an agent as described in division (A) of this section that is signed by an authorized member, manager, or other representative of the limited liability company;

(b) A written acceptance of the appointment that is signed by the designated agent on a form prescribed by the secretary of state.

(2) In cases not covered by division (B)(1) of this section, the limited liability company shall appoint the agent described in division (A) of this section and shall file with the secretary of state, on a form prescribed by the secretary of state, a written appointment of that agent that is signed as described in division (K) of this section and a written acceptance of the appointment that is signed by the designated agent.

(3) For purposes of divisions (B)(1) and (2) of this section, the filed written acceptance of an agent's appointment shall be a signed original document or a photocopy, facsimile, or similar reproduction of a signed original document.

(C) The written appointment of an agent described in division (A) of this section shall set forth the name of the agent and the agent's address in this state, including the street and number or other particular description of that address. It otherwise shall be in the form that the secretary of state prescribes. The secretary of state shall keep a record of the names of limited liability companies and the names and addresses of their agents.

(D) If any agent described in division (A) of this section dies, resigns, or moves outside of this state, the limited liability company shall appoint forthwith another agent and file with the secretary of state, on a form prescribed by the secretary of state, a written appointment of the agent and acceptance of appointment as described in division (B)(2) of this section.

(E) If the agent described in division (A) of this section changes the agent's address from the address stated in the records of the secretary of state, the agent or the limited liability company shall file forthwith with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address.

(F) An agent described in division (A) of this section may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice of resignation that is signed by the agent and by mailing a copy of that notice to the limited liability company at the current or last known address of its principal office. The notice shall be mailed to the company on or prior to the date that the notice is filed with the secretary of state and shall set forth the name of the company, the name and current address of the agent, the current or last known address, including the street and number or other particular description, of the company's principal

office, a statement of the resignation of the agent, and a statement that a copy of the notice has been sent to the company within the time and in the manner specified in this division. The authority of the resigning agent terminates thirty days after the filing of the notice with the secretary of state.

(G) A limited liability company may revoke the appointment of its agent described in division (A) of this section by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and an acceptance of appointment in the manner described in division (B)(2) of this section and a statement indicating that the appointment of the former agent is revoked.

(H)(1) Any legal process, notice, or demand required or permitted by law to be served upon a limited liability company may be served upon the company as follows:

(a) If the agent described in division (A) of this section is an individual, by delivering a copy of the process, notice, or demand to the agent;

(b) If the agent is a corporation, by delivering a copy of the process, notice, or demand to the address of the agent in this state as contained in the records of the secretary of state.

(2) If the agent described in division (A) of this section cannot be found or no longer has the address that is stated in the records of the secretary of state or the limited liability company has failed to maintain an agent as required by this section and if the party or the agent or representative of the party that desires service of the process, notice, or demand files with the secretary of state an affidavit that states that one of those circumstances exists and states the most recent address of the company that the party who desires service has been able to ascertain after a diligent search, then the service of the process, notice, or demand upon the secretary of state as the agent of the company may be initiated by delivering to the secretary of state four copies of the process, notice, or demand accompanied by a fee of five dollars. The secretary of state shall give forthwith notice of that delivery to the company at either its principal office as shown upon the secretary of state's records or at any different address specified in the affidavit of the party desiring service and shall forward to the company at either address by certified mail, return receipt requested, a copy of the process, notice, or demand. Service upon the company is made when the secretary of state gives the notice and forwards the process, notice, or demand as set forth in division (H)(2) of this section.

(I) The secretary of state shall keep a record of each process, notice, and demand that pertains to a limited liability company and that is delivered to the secretary of state's office under this section or another law of this state

that authorizes service upon the secretary of state in connection with a limited liability company. In that record, the secretary of state shall record the time of each delivery of that type and the secretary of state's subsequent action with respect to the process, notice, or demand.

(J) This section does not limit or affect the right to serve any process, notice, or demand upon a limited liability company in any other manner permitted by law.

(K) The written appointment of an agent or a written statement filed by the company with the secretary of state shall be signed by an authorized member, manager, or other representative of the company.

~~(L) For filing a written appointment of an agent described in division (A) of this section that is not filed with the original articles of organization of a limited liability company and for filing a statement of change of address of an agent, the secretary of state shall charge and collect a fee of three dollars.~~

Sec. 1705.38. (A) Upon the adoption by each constituent entity of an agreement of merger or consolidation pursuant to section 1705.36 or 1705.37 of the Revised Code, a certificate of merger or consolidation shall be filed with the secretary of state that is signed by a manager of each constituent limited liability company in which the management is not reserved to its members, by at least one member of each other constituent limited liability company, by at least one general partner of each constituent partnership, and by an authorized representative of each other constituent entity. The certificate shall be on a form prescribed by the secretary of state and shall set forth only the information required by this section.

(B)(1) The certificate of merger or consolidation shall set forth all of the following:

(a) The name and the form of entity of each constituent entity and the state under the laws of which each constituent entity exists;

(b) A statement that each constituent entity has complied with all of the laws under which it exists and that the laws permit the merger or consolidation;

(c) The name and mailing address of the person or entity that is to provide, in response to any written request made by a shareholder, partner, or other equity holder of a constituent entity, a copy of the agreement of merger or consolidation;

(d) The effective date of the merger or consolidation, which date may be on or after the date of the filing of the certificate;

(e) The signature of the representative or representatives authorized to sign the certificate on behalf of each constituent entity and the office held or

the capacity in which the representative is acting;

(f) A statement that the agreement of merger or consolidation is authorized on behalf of each constituent entity and that the persons who signed the certificate on behalf of each entity are authorized to do so;

(g) In the case of a merger, a statement that one or more specified constituent entities will be merged into a specified surviving entity or, in the case of a consolidation, a statement that the constituent entities will be consolidated into a new entity;

(h) In the case of a merger, if the surviving entity is a foreign entity not licensed to transact business in this state, the name and address of the statutory agent upon whom any process, notice, or demand may be served;

(i) In the case of a consolidation, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity or the new entity may be served.

(2) In the case of a consolidation into a new domestic corporation, limited liability company, or limited partnership, the articles of incorporation, the articles of organization, or the certificate of limited partnership of the new domestic entity shall be filed with the certificate of merger or consolidation.

(3) In the case of a merger into a domestic corporation, limited liability company, or limited partnership, any amendments to the articles of incorporation, articles of organization, or certificate of limited partnership of the surviving domestic entity shall be filed with the certificate of merger or consolidation.

(4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, limited liability company, or limited partnership, the certificate of merger or consolidation shall be accompanied by the information required by division (B)(8), (9), or (10) of section 1705.37 of the Revised Code.

(5) If a foreign or domestic corporation licensed to transact business in this state is a constituent entity and the surviving or new entity resulting from the merger or consolidation is not a foreign or domestic corporation that is to be licensed to transact business in this state, the certificate of merger or consolidation shall be accompanied by the affidavits, receipts, certificates, or other evidence required by division (H) of section 1701.86 of the Revised Code, with respect to each domestic constituent corporation, and by the affidavits, receipts, certificates, or other evidence required by division (C) or (D) of section 1703.17 of the Revised Code, with respect to each foreign constituent corporation licensed to transact business in this state.

(C) If any constituent entity in a merger or consolidation is organized or formed under the laws of a state other than this state or under any chapter of the Revised Code other than this chapter, there also shall be filed in the proper office all documents that are required to be filed in connection with the merger or consolidation by the laws of that state or by that chapter.

(D) Upon the filing of a certificate of merger or consolidation and other filings as described in division (C) of this section or at any later date that the certificate of merger or consolidation specifies, the merger or consolidation is effective.

(E)(1) Upon request and payment of a the fee specified in division (D) of ten dollars section 111.16 of the Revised Code, the secretary of state shall furnish the secretary of state's certificate setting forth all of the following:

(a) The name and form of entity of each constituent entity and the states under the laws of which each constituent entity existed prior to a merger or consolidation;

(b) The name and the form of entity of the surviving or new entity and the state under the laws of which the surviving entity exists or the new entity is to exist;

(c) The date of the filing of the certificate of merger or consolidation in the secretary of state's office;

(d) The effective date of the merger or consolidation.

(2) The certificate of the secretary of state or a copy of a certificate of merger or consolidation that has been certified by the secretary of state may be filed for record in the office of the recorder of any county in this state and, if filed, shall be recorded in the record of deeds for that county. For that recording, the county recorder shall charge and collect the same fees as for recording a deed.

Sec. 1705.55. (A) If any statement in an application for registration as a foreign limited liability company is materially false when made or if any facts described in the application have changed making it inaccurate in any material respect, the foreign limited liability company shall file promptly with the secretary of state a certificate correcting the application that shall be on a form that is prescribed by the secretary of state and be signed by an authorized representative of the company. ~~¶~~

(B) If the application for registration or a subsequent certificate of correction becomes inaccurate because the designated agent resigns or changes the agent's address from that appearing in the registration application or any subsequent certificate of correction of the registration application, the foreign limited liability company, or the designated agent on its behalf, shall file a notice of that resignation or change promptly with the

secretary of state ~~a new certificate of correction setting forth the new address.~~

(C) A foreign limited liability company may revoke the appointment of its designated agent described in division (A) of section 1705.54 of the Revised Code by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and an acceptance of appointment in the manner described in division (B)(2) of section 1705.06 of the Revised Code and a statement indicating that the appointment of the former agent is revoked.

(D) The fee specified in division (R) of section 111.16 of the Revised Code shall accompany a filing under division (B) or (C) of this section.

Sec. 1746.04. (A) Except as set forth in section 1746.03 of the Revised Code, before transacting business in this state, a business trust shall file a ~~report~~ in the office of the secretary of state, on forms prescribed by the secretary of state, a report containing the following information:

- (1) A list of the names and addresses of its trustees;
- (2) The address of its principal office;
- (3) In the case of a foreign business trust, the address of its principal office within this state, if any;
- (4) The business names of the business trust, including any fictitious or assumed names;
- (5) The name and address within this state of a designated agent upon whom process against the business trust may be served;
- (6) The irrevocable consent of the business trust to service of process upon its designated agent and to service of process upon the secretary of state if, without the registration of another agent with the secretary of state, its designated agent has died, resigned, lost authority, dissolved, become disqualified, or has removed from this state, or if its designated agent cannot, with due diligence, be found.

Such report shall have attached as an exhibit an executed copy of the trust instrument or a true and correct copy of it, certified to be such by a trustee before an official authorized to administer oaths or by a public official in another state in whose office an executed copy is on file.

(B) Not more than ninety days after the occurrence of any event causing any filing, including exhibits, made pursuant to division (A) of this section, or any previous filing made pursuant to this division, to be inaccurate or incomplete, there shall be filed in the office of the secretary of state all information necessary to maintain the accuracy and completeness of such filing.

(C) The secretary of state shall charge and collect ~~a fee~~ the fees

specified in division (T) of ~~seventy-five dollars~~ section 111.16 of the Revised Code for each filing made under division (A) ~~of this section and fifteen dollars for each filing under division~~ or (B) of this section, except for filings under division (B) of this section pertaining solely to division (A)(5) of this section, for which the secretary of state shall charge and collect the fee specified in division (R) of section 111.16 of the Revised Code.

(D) The trust instrument and other information filed in the office of the secretary of state are matters of public record, and persons dealing with a business trust are charged with constructive notice of the contents of any such instrument or information by reason of such filing.

(E) A copy of a trust instrument or other information filed in the office of the secretary of state shall be accepted as prima-facie evidence of the existence of the instrument or other information and of its contents, and conclusive evidence of the existence of such record.

Sec. 1746.06. (A) No business trust that has made a filing pursuant to section 1746.04 of the Revised Code may use the words "Incorporated," "Corporation," "Inc.," "Co.," "Partnership," "Ltd.," or derivatives thereof in its name.

(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 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 obtained may be transferred by the applicant or other holder thereof by the filing in the office of the secretary of state of a written transfer stating the name and address of the transferee. For filing any application for the exclusive right to use a specified name under this division, the secretary of state shall charge and collect ~~a~~ the fee specified in division (S)(1) of five dollars section 111.16 of the Revised Code. For each filing of a transfer of the right to an exclusive name under this division, the secretary of state shall charge and collect the fee specified in division (S)(4) of section 111.16 of the Revised Code.

(E) Any business trust that has not made the filings described under section 1746.04 of the Revised Code may submit to the secretary of state a written application for the exclusive right to use a specified name as the name of such business trust. If the secretary of state finds that, under this section, the specified name is available for such use, ~~he~~ the secretary of state shall indorse ~~his~~ the secretary of state's approval upon and file such application and, from the date of such indorsement, such applicant has the exclusive right to use the specified name for the period that it transacts business. The right so obtained may be transferred by the applicant or other holder thereof by the filing in the office of the secretary of state of a written transfer stating the name and address of the transferee. For filing ~~any an~~ an application for the exclusive right to use a specified name under this division, the secretary of state shall charge and collect ~~a~~ the fee specified in division (S)(1) of five dollars section 111.16 of the Revised Code.

Sec. 1746.15. Any business trust that has made the filings described in section 1746.04 of the Revised Code may withdraw from this state at any time by filing in the office of the secretary of state a verified copy of a resolution duly adopted by its trustees declaring its intention to withdraw and surrender its authority, accompanied by ~~a~~ the fee ~~of fifteen dollars~~ specified in division (T) of section 111.16 of the Revised Code.

Sec. 1747.03. (A) Before transacting real estate business in this state, a real estate investment trust shall file the following report in the office of the secretary of state, on forms prescribed by the secretary of state:

(1) An executed copy of the trust instrument or a true and correct copy of it, certified to be such by a trustee before an official authorized to

administer oaths or by a public official in another state in whose office an executed copy is on file;

(2) A list of the names and addresses of its trustees;

(3) The address of its principal office;

(4) In the case of a foreign real estate investment trust, the address of its principal office within this state, if any;

(5) The business name of the trust;

(6) The name and address within this state of a designated agent upon whom process against the trust may be served;

(7) The irrevocable consent of the trust to service of process on its designated agent and to service of process upon the secretary of state if, without the registration of another agent with the secretary of state, its designated agent has died, resigned, lost authority, dissolved, become disqualified, or has removed from this state, or if its designated agent cannot, with due diligence, be found;

(8) Not more than ninety days after the occurrence of any event causing any filing made pursuant to divisions (A)(2) to (6) of this section, or any previous filing made pursuant to this division, to be inaccurate or incomplete, all information necessary to maintain the accuracy and completeness of such filing.

(B) For ~~filing~~ filings under this section, the secretary of state shall charge and collect a ~~the fee specified in division (T) of fifty dollars, except that for filing under division (A)(8) of this section, the secretary of state shall charge and collect a fee of ten dollars~~ section 111.16 of the Revised Code, except for filings under division (A)(8) of this section pertaining solely to division (A)(6) of this section, for which the secretary of state shall charge and collect the fee specified in division (R) of section 111.16 of the Revised Code.

(C) All persons shall be given the opportunity to acquire knowledge of the contents of the trust instrument and other information filed in the office of the secretary of state, but no person dealing with a real estate investment trust shall be charged with constructive notice of the contents of any such instrument or information by reason of such filing.

(D) A copy of a trust instrument or other information filed in the office of the secretary of state ~~shall be~~ is prima-facie evidence of the existence of the instrument or other information and of its contents, and ~~as~~ is conclusive evidence of the existence of such record.

Sec. 1747.04. A trust instrument may be amended in the manner specified in it or in any manner that is valid under the common or statutory law applicable to the trust created ~~thereunder~~ under it. However, no

amendment adopted subsequent to the initial filings required by section 1747.03 of the Revised Code is legally effective in this state until an executed or certified true and correct copy of the amendment has been filed in the office of the secretary of state accompanied by a the fee specified in division (T) of ~~twenty-five dollars~~ section 111.16 of the Revised Code.

Sec. 1747.10. Any domestic or foreign real estate investment trust authorized to transact real estate business in this state may surrender its authority at any time by filing in the office of the secretary of state a verified copy of a resolution duly adopted by its trustees declaring its intention to withdraw, accompanied by a the fee specified in division (T) of ~~ten dollars~~ section 111.16 of the Revised Code. Such real estate investment trust then ceases and is without authority to transact real estate business in this state, except as necessary for ~~the concluding thereof~~ its conclusion.

Sec. 1775.63. (A) A domestic limited liability partnership or foreign registered limited liability partnership shall, ~~annually~~ biennially during the month of July in odd-numbered years, file a report with the office of the secretary of state verifying and, if necessary, updating, as of the thirtieth day of June of that year, the information contained in the registration application required by division (A) of sections 1775.61 and 1775.64 of the Revised Code. The ~~annual~~ report shall be made on a form prescribed and furnished by the secretary of state and shall be signed by a majority in interest of the partners or by one or more partners authorized by the partnership to execute the report.

(B) If a domestic limited liability partnership or foreign registered limited liability partnership fails to file the ~~annual~~ report in accordance with division (A) of this section, the secretary of state shall give notice of the failure by certified mail to the last known address of the partnership or its statutory agent. If the report is not filed within thirty days after the mailing of the notice, the secretary of state shall, upon the expiration of that period, cancel the registration of the partnership, give notice of the cancellation to the partnership by regular mail to the last known address of the partnership or its statutory agent, and make a notation of the cancellation on the secretary of state's records.

(C) A domestic limited liability partnership or foreign registered limited liability partnership whose registration has been canceled pursuant to division (B) of this section may be reinstated by filing an application for reinstatement, together with the required ~~annual~~ report or reports, and by paying a the reinstatement fee specified in division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. The secretary of state shall inform the tax commissioner of all cancellations and reinstatements under this section.

Sec. 1775.64. (A) Before transacting business in this state, a foreign limited liability partnership shall file a registration application with the secretary of state. The application shall be on a form prescribed by the secretary of state and shall set forth only the following information:

- (1) The name of the partnership;
- (2) The jurisdiction pursuant to the laws of which it was organized as a limited liability partnership;
- (3) The address of its principal office or, if the partnership's principal office is not located in this state, the address of a registered office;
- (4) The name and address of its agent for service of process in this state;
- (5) A brief statement of the business in which the partnership engages.

(B) A registration application shall be accompanied by the application fee specified in division (F) of section 111.16 of the Revised Code.

(C) A foreign limited liability partnership transacting business in this state shall comply with the name, correction, and annual reporting requirements set forth in division (G) of section 1775.61, divisions (B) and (C) of section 1775.62, and section 1775.63 of the Revised Code and shall comply with any statutory or administrative registration or filing requirements governing the specific type of business in which the partnership engages.

(D) The secretary of state shall register as a foreign limited liability partnership, any foreign limited liability partnership that submits a completed registration application with the required fee.

(E) Registration as a foreign limited liability partnership ceases if ~~either of the following occurs:~~

~~(1) The registration is voluntarily withdrawn by filing with the secretary of state, on a form prescribed by the secretary of state, a written withdrawal notice signed by one or more partners authorized by the partnership to execute a withdrawal notice.~~

~~(2) The registration is canceled by the secretary of state pursuant to section 1775.63 of the Revised Code.~~

Sec. 1782.04. (A) Each limited partnership shall maintain continuously in this state an agent for service of process on the limited partnership. The agent shall be a natural person who is a resident of this state, a domestic corporation, or a foreign corporation holding a license as such under the laws of this state.

(B) The secretary of state shall not accept a certificate of limited partnership for filing unless there is filed with the certificate a written appointment of an agent that is signed by the general partners of the limited partnership and a written acceptance of the appointment that is signed by the

agent, or unless there is filed a written appointment of an agent that is signed by any authorized officer of the limited partnership and a written acceptance of the appointment that is either the original acceptance signed by the agent or a photocopy, facsimile, or similar reproduction of the original acceptance signed by the agent.

In the discretion of the secretary of state, an original appointment of statutory agent may be submitted on the same form as the certificate of limited partnership but shall not be considered a part of the certificate.

(C) The written appointment of an agent shall set forth the name and address in this state of the agent, including the street and number or other particular description, and shall otherwise be in the form the secretary of state prescribes. The secretary of state shall keep a record of the names of limited partnerships, and the names and addresses of their respective agents.

(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.

(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.

(F) An agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice to that effect that is signed by the agent and by sending a copy of the notice to the limited partnership at its current or last known address or its principal office on or prior to the date the notice is filed with the secretary of state. The notice shall set forth the name of the limited partnership, the name and current address of the agent, the current or last known address, including the street and number or other particular description, of the limited partnership's principal office, the resignation of the agent, and a statement that a copy of the notice has been sent to the limited partnership within the time and in the manner prescribed by this division. Upon the expiration of thirty days after the filing, the authority of the agent shall terminate.

(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;

(4) Any other matters that the general partners determine to include in the certificate.

(B) A written appointment of a statutory agent for the purpose set forth in section 1782.04 of the Revised Code shall be filed with the certificate of limited partnership.

(C) A limited partnership is an entity formed at the time of filing the certificate of limited partnership pursuant to section 1782.13 of the Revised Code or at any later time specified in the certificate if, in either case, there has been substantial compliance with the requirements of ~~division~~ divisions (A) and (B) of this section.

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:

(1) The name of the limited partnership and the file number assigned to it by the secretary of state;

(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;

(3) The amendment to the certificate of limited partnership.

(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:

(1) A new general partner is admitted;

(2) A general partner withdraws;

(3) The business is continued pursuant to section 1782.44 of the Revised Code after an event of withdrawal of a general partner;

(4) The address of the principal place of business of the limited partnership changes;

~~(5) The name or identity of the statutory agent changes;~~

~~(6) The address of the statutory agent changes;~~

~~(7) The name of the limited partnership is changes.~~

(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.

~~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.~~

(D) A certificate of limited partnership may be amended at any time for any other proper purpose the general partners determine.

(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.

(F) A certificate of limited partnership may be restated at 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 authorized to do so;

(g) In the case of a merger, a statement that one or more specified constituent entities will be merged into a specified surviving entity or, in the case of a consolidation, a statement that the constituent entities will be consolidated into a new entity;

(h) In the case of a merger, if the surviving entity is a foreign entity not licensed to transact business in this state, the name and address of the statutory agent upon whom any process, notice, or demand may be served;

(i) In the case of a consolidation, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity or the new entity may be served.

(2) In the case of a consolidation into a new domestic corporation, limited liability company, or limited partnership, the articles of incorporation, the articles of organization, or the certificate of limited partnership of the new domestic entity shall be filed with the certificate of merger or consolidation.

(3) In the case of a merger into a domestic corporation, limited liability company, or limited partnership, any amendments to the articles of incorporation, articles of organization, or certificate of limited partnership of the surviving domestic entity shall be filed with the certificate of merger or consolidation.

(4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, limited liability company, or limited partnership, the certificate of merger or consolidation shall be accompanied by the information required by division (B)(7), (8), or (9) of section 1782.432 of the Revised Code.

(5) If a foreign or domestic corporation licensed to transact business in this state is a constituent entity and the surviving or new entity resulting from the merger or consolidation is not a foreign or domestic corporation that is to be licensed to transact business in this state, the certificate of merger or consolidation shall be accompanied by the affidavits, receipts,

certificates, or other evidence required by division (H) of section 1701.86 of the Revised Code, with respect to each domestic constituent corporation, and by the affidavits, receipts, certificates, or other evidence required by division (C) or (D) of section 1703.17 of the Revised Code, with respect to each foreign constituent corporation licensed to transact business in this state.

(C) If any constituent entity in a merger or consolidation is organized or formed under the laws of a state other than this state or under any chapter of the Revised Code other than this chapter, there also shall be filed in the proper office all documents that are required to be filed in connection with the merger or consolidation by the laws of that state or by that chapter.

(D) Upon the filing of a certificate of merger or consolidation and other filings as described in division (C) of this section or at any later date that the certificate of merger or consolidation specifies, the merger or consolidation is effective.

(E) The secretary of state shall furnish, upon request and payment of a the fee specified in division (D) of ~~ten dollars~~ section 111.16 of the Revised Code, the secretary of state's certificate setting forth: the name and form of entity of each constituent entity and the states under the laws of which each constituent entity existed prior to the merger or consolidation; the name and the form of entity of the surviving or new entity and the state under the laws of which the surviving entity exists or the new entity is to exist; the date of filing of the certificate of merger or consolidation with the secretary of state; and the effective date of the merger or consolidation. The certificate of the secretary of state, or a copy of the certificate of merger or consolidation certified by the secretary of state, may be filed for record in the office of the recorder of any county in this state and, if filed, shall be recorded in the records of deeds for that county. For that recording, the county recorder shall charge and collect the same fee as in the case of deeds.

Sec. 1785.06. A professional association, within thirty days after the thirtieth day of June in each year, shall furnish a statement to the secretary of state showing the names and post-office addresses of all of the shareholders in the association and certifying that all of the shareholders are duly licensed, certificated, or otherwise legally authorized to render within this state the same professional service for which the association was organized or, in the case of a combination of professional services described in division (B) of section 1785.01 of the Revised Code, to render within this state any of the applicable types of professional services for which the association was organized. This statement shall be made on a form that the secretary of state shall prescribe, shall be signed by an officer of the

association, and shall be filed in the office of the secretary of state.

If any professional association fails to file the annual statement within the time required by this section, the secretary of state shall give notice of the failure by certified mail, return receipt requested, to the last known address of the association or its agent. If the annual statement is not filed within thirty days after the mailing of the notice, the secretary of state, upon the expiration of that period, shall cancel the association's articles of incorporation, give notice of the cancellation to the association by mail sent to the last known address of the association or its agent, and make a notation of the cancellation on the records of the secretary of state.

A professional association whose articles have been canceled pursuant to this section may be reinstated by filing an application for reinstatement and the required annual statement or statements and by paying ~~a~~ the reinstatement fee specified in division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. The rights, privileges, and franchises of a professional association whose articles have been reinstated are subject to section 1701.922 of the Revised Code. The secretary of state shall inform the tax commissioner of all cancellations and reinstatements under this section.

Sec. 1901.26. (A) Subject to division (E) of this section, costs in a municipal court shall be fixed and taxed as follows:

(1) The municipal court shall require an advance deposit for the filing of any new civil action or proceeding when required by division (A)(9) of this section, and in all other cases, by rule, shall establish a schedule of fees and costs to be taxed in any civil or criminal action or proceeding.

(2) The municipal court, by rule, may require an advance deposit for the filing of any civil action or proceeding and publication fees as provided in section 2701.09 of the Revised Code. The court may waive the requirement for advance deposit upon affidavit or other evidence that a party is unable to make the required deposit.

(3) When a jury trial is demanded in any civil action or proceeding, the party making the demand may be required to make an advance deposit as fixed by rule of court, unless, upon affidavit or other evidence, the court concludes that the party is unable to make the required deposit. If a jury is called, the fees of a jury shall be taxed as costs.

(4) In any civil or criminal action or proceeding, witnesses' fees shall be fixed in accordance with sections 2335.06 and 2335.08 of the Revised Code.

(5) A reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in any proceeding may be taxed as part of the costs in a trial of the cause, in an amount that shall be fixed by rule of court.

(6) Chattel property seized under any writ or process issued by the court shall be preserved pending final disposition for the benefit of all persons interested and may be placed in storage when necessary or proper for that preservation. The custodian of any chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The municipal court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.

(8) Charges for the publication of legal notices required by statute or order of court may be taxed as part of the costs, as provided by section 7.13 of the Revised Code.

(B)(1) The municipal court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the municipal court offers a special program or service in cases of a specific type, the municipal court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The municipal court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (B) of this section shall be paid to the county treasurer if the court is a county-operated municipal court or to the city treasurer if the court is not a county-operated municipal court for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the municipal court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

~~(C) Prior to January 1, 1993, and on and after January 1, 2003, the municipal court shall collect the sum of four dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state. From January 1, 1993, through December 31, 2002, the~~ The municipal court shall collect in all its divisions except the small claims division the sum of fifteen dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state. ~~From January 1, 1993, through December 31, 2002, the~~ The municipal court shall collect in its small claims division the sum of seven dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state. This division does not apply to any execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other court costs imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding. All such moneys shall be transmitted on the first business day of each month by the clerk of the court to the treasurer of state. The moneys then shall be deposited by the treasurer of state to the credit of the legal aid fund established under section 120.52 of the Revised Code.

The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division.

(D) In the Cleveland municipal court, reasonable charges for

ing titles of real estate to be sold or disposed of under any writ or process of the court may be taxed as part of the costs.

(E) Under the circumstances described in sections 2969.21 to 2969.27 of the Revised Code, the clerk of the municipal court shall charge the fees and perform the other duties specified in those sections.

Sec. 1907.24. (A) Subject to division (C) of this section, a county court shall fix and tax fees and costs as follows:

(1) The county court shall require an advance deposit for the filing of any new civil action or proceeding when required by division (C) of this section and, in all other cases, shall establish a schedule of fees and costs to be taxed in any civil or criminal action or proceeding.

(2) The county court by rule may require an advance deposit for the filing of a civil action or proceeding and publication fees as provided in section 2701.09 of the Revised Code. The court may waive an advance deposit requirement upon the presentation of an affidavit or other evidence that establishes that a party is unable to make the requisite deposit.

(3) When a party demands a jury trial in a civil action or proceeding, the county court may require the party to make an advance deposit as fixed by rule of court, unless the court concludes, on the basis of an affidavit or other evidence presented by the party, that the party is unable to make the requisite deposit. If a jury is called, the county court shall tax the fees of a jury as costs.

(4) In a civil or criminal action or proceeding, the county court shall fix the fees of witnesses in accordance with sections 2335.06 and 2335.08 of the Revised Code.

(5) A county court may tax as part of the costs in a trial of the cause, in an amount fixed by rule of court, a reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in a proceeding.

(6) The court shall preserve chattel property seized under a writ or process issued by the court pending final disposition for the benefit of all interested persons. The court may place the chattel property in storage when necessary or proper for its preservation. The custodian of chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The county court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.

(8) The court may tax as part of costs charges for the publication of legal notices required by statute or order of court, as provided by section

7.13 of the Revised Code.

(B)(1) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the county court offers a special program or service in cases of a specific type, the county court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The county court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (B) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the county court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(C) Subject to division (E) of this section, ~~prior to January 1, 1993, and on and after January 1, 2003, the county court shall collect the sum of four~~

~~dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state. Subject to division (E) of this section, from January 1, 1993, through December 31, 2002, the county court shall collect in all its divisions except the small claims division the sum of fifteen dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state. Subject to division (E) of this section, from January 1, 1993, through December 31, 2002, the county court shall collect in its small claims division the sum of seven dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state. This division does not apply to any execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other court costs imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding. All such moneys collected during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state. The moneys then shall be deposited by the treasurer of state to the credit of the legal aid fund established under section 120.52 of the Revised Code.~~

The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division.

(D) The county court shall establish by rule a schedule of fees for miscellaneous services performed by the county court or any of its judges in accordance with law. If judges of the court of common pleas perform similar services, the fees prescribed in the schedule shall not exceed the fees for those services prescribed by the court of common pleas.

(E) Under the circumstances described in sections 2969.21 to 2969.27 of the Revised Code, the clerk of the county court shall charge the fees and perform the other duties specified in those sections.

Sec. 2303.201. (A)(1) The court of common pleas of any county may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Upon making a determination that

Additional funds are required for either or both of those purposes, the court shall authorize and direct the clerk of the court of common pleas to charge one additional fee, not to exceed three dollars, on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of section 2303.20 of the Revised Code.

(2) All fees collected under division (A)(1) of this section shall be paid to the county treasurer. The treasurer shall place the funds from the fees in a separate fund to be disbursed, upon an order of the court, in an amount not greater than the actual cost to the court of procuring and maintaining computerization of the court, computerized legal research services, or both.

(3) If the court determines that the funds in the fund described in division (A)(2) of this section are more than sufficient to satisfy the purpose for which the additional fee described in division (A)(1) of this section was imposed, the court may declare a surplus in the fund and expend those surplus funds for other appropriate technological expenses of the court.

(B)(1) The court of common pleas of any county may determine that, for the efficient operation of the court, additional funds are required to computerize the office of the clerk of the court of common pleas and, upon that determination, authorize and direct the clerk of the court of common pleas to charge an additional fee, not to exceed ten dollars, on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code. Subject to division (B)(2) of this section, all moneys collected under division (B)(1) of this section shall be paid to the county treasurer to be disbursed, upon an order of the court of common pleas and subject to appropriation by the board of county commissioners, in an amount no greater than the actual cost to the court of procuring and maintaining computer systems for the office of the clerk of the court of common pleas.

(2) If the court of common pleas of a county makes the determination described in division (B)(1) of this section, the board of county commissioners of that county may issue one or more general obligation bonds for the purpose of procuring and maintaining the computer systems for the office of the clerk of the court of common pleas. In addition to the purposes stated in division (B)(1) of this section for which the moneys collected under that division may be expended, the moneys additionally may be expended to pay debt charges on and financing costs related to any general obligation bonds issued pursuant to division (B)(2) of this section as they become due. General obligation bonds issued pursuant to division

(B)(2) of this section are Chapter 133. securities.

~~(C) Prior to January 1, 1993, and on and after January 1, 2003, the court of common pleas shall collect the sum of four dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state. From January 1, 1993, through December 31, 2002, the~~ The court of common pleas shall collect the sum of fifteen dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state. This division does not apply to proceedings concerning annulments, dissolutions of marriage, divorces, legal separation, spousal support, marital property or separate property distribution, support, or other domestic relations matters; to a juvenile division of a court of common pleas; to a probate division of a court of common pleas, except that the additional filing fees shall apply to name change, guardianship, and adoption proceedings; or to an execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other filing fees imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding. All such moneys collected during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state. The moneys then shall be deposited by the treasurer of state to the credit of the legal aid fund established under section 120.52 of the Revised Code.

The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division.

(D) On and after the thirtieth day after December 9, 1994, the court of common pleas shall collect the sum of thirty-two dollars as additional filing fees in each new action or proceeding for annulment, divorce, or dissolution of marriage for the purpose of funding shelters for victims of domestic violence pursuant to sections 3113.35 to 3113.39 of the Revised Code. The filing fees required to be collected under this division shall be in addition to any other filing fees imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new action or proceeding for annulment, divorce, or dissolution of marriage unless the

court waives the advanced payment of all filing fees in the action or proceeding. On or before the twentieth day of each month, all moneys collected during the immediately preceding month pursuant to this division shall be deposited by the clerk of the court into the county treasury in the special fund used for deposit of additional marriage license fees as described in section 3113.34 of the Revised Code. Upon their deposit into the fund, the moneys shall be retained in the fund and expended only as described in section 3113.34 of the Revised Code.

(E)(1) The court of common pleas may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the court of common pleas offers a special program or service in cases of a specific type, the court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (E) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (E) of this section, the court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (E) of this section:

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate

violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(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.

The testimonial privilege established under this division does not apply, and a physician or dentist may testify or may be compelled to testify, in any of the following circumstances:

(a) In any civil action, in accordance with the discovery provisions of the Rules of Civil Procedure in connection with a civil action, or in connection with a claim under Chapter 4123. of the Revised Code, under any of the following circumstances:

(i) If the patient or the guardian or other legal representative of the patient gives express consent;

(ii) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent;

(iii) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.11 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative.

(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered

as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.

(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug of abuse in the patient's blood, breath, urine, or other bodily substance at any time relevant to the criminal offense in question.

(d) In any criminal action against a physician or dentist. In such an action, the testimonial privilege established under this division does not prohibit the admission into evidence, in accordance with the Rules of Evidence, of a patient's medical or dental records or other communications between a patient and the physician or dentist that are related to the action and obtained by subpoena, search warrant, or other lawful means. A court that permits or compels a physician or dentist to testify in such an action or permits the introduction into evidence of patient records or other communications in such an action shall require that appropriate measures be taken to ensure that the confidentiality of any patient named or otherwise identified in the records is maintained. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(2)(a) If any law enforcement officer submits a written statement to a health care provider that states that an official criminal investigation has begun regarding a specified person or that a criminal action or proceeding has been commenced against a specified person, that requests the provider to supply to the officer copies of any records the provider possesses that pertain to any test or the results of any test administered to the specified person to determine the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug of abuse in the person's blood, breath, or urine at any time relevant to the criminal offense in question, and that conforms to section 2317.022 of the Revised Code, the provider, except to the extent specifically prohibited by any law of this state or of the United States, shall supply to the officer a copy of any of the requested records the provider possesses. If the health care provider does not possess any of the requested records, the provider shall give the officer a written statement that indicates that the provider does not possess any of the requested records.

(b) If a health care provider possesses any records of the type described in division (B)(2)(a) of this section regarding the person in question at any time relevant to the criminal offense in question, in lieu of personally testifying as to the results of the test in question, the custodian of the records

may submit a certified copy of the records, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of records submitted in accordance with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test to which the records pertain, the person under whose supervision the test was administered, the custodian of the records, the person who made the records, or the person under whose supervision the records were made.

(3)(a) If the testimonial privilege described in division (B)(1) of this section does not apply as provided in division (B)(1)(a)(iii) of this section, a physician or dentist may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the physician or dentist by the patient in question in that relation, or the physician's or dentist's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.

(b) If the testimonial privilege described in division (B)(1) of this section does not apply to a physician or dentist as provided in division (B)(1)(c) of this section, the physician or dentist, in lieu of personally testifying as to the results of the test in question, may submit a certified copy of those results, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of results submitted in accordance with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test in question, the person under whose supervision the test was administered, the custodian of the results of the test, the person who compiled the results, or the person under whose supervision the results were compiled.

(4) The testimonial privilege described in division (B)(1) of this section is not waived when a communication is made by a physician to a pharmacist or when there is communication between a patient and a pharmacist in furtherance of the physician-patient relation.

(5)(a) As used in divisions (B)(1) to (4) of this section, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements

necessary to enable a physician or dentist to diagnose, treat, prescribe, or act for a patient. A "communication" may include, but is not limited to, any medical or dental, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.

(b) As used in division (B)(2) of this section, "health care provider" ~~has the same meaning as in section 3729.01 of the Revised Code means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.~~

(c) As used in division (B)(5)(b) of this section:

(i) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. "Ambulatory health care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice.

(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.

(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code.

(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 3722.01 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.

(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, and dentists.

(7) Nothing in divisions (B)(1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section

307.628 or 2305.33 of the Revised Code upon physicians who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B)(7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(C) A member of the clergy, rabbi, priest, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect, when the member of the clergy, rabbi, priest, or minister remains accountable to the authority of that church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the member of the clergy, rabbi, priest, or minister for a religious counseling purpose in the member of the clergy's, rabbi's, priest's, or minister's professional character; however, the member of the clergy, rabbi, priest, or minister may testify by express consent of the person making the communication, except when the disclosure of the information is in violation of a sacred trust;

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;

(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;

(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing.

(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a professional clinical counselor, professional counselor, social worker, or independent social worker, or registered under Chapter 4757. of the Revised Code as a social work assistant concerning a confidential communication received from a client in that relation or the person's advice to a client unless any of the following applies:

(a) The communication or advice indicates clear and present danger to the client or other persons. For the purposes of this division, cases in which there are indications of present or past child abuse or neglect of the client

constitute a clear and present danger.

(b) The client gives express consent to the testimony.

(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.

(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client or social worker-client relationship.

(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.

(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under ~~chapter~~ Chapter 2151. of the Revised Code.

(2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.

(H) A mediator acting under a mediation order issued under division (A) of section 3109.052 of the Revised Code or otherwise issued in any proceeding for divorce, dissolution, legal separation, annulment, or the allocation of parental rights and responsibilities for the care of children, in any action or proceeding, other than a criminal, delinquency, child abuse, child neglect, or dependent child action or proceeding, that is brought by or against either parent who takes part in mediation in accordance with the order and that pertains to the mediation process, to any information discussed or presented in the mediation process, to the allocation of parental rights and responsibilities for the care of the parents' children, or to the awarding of parenting time rights in relation to their children;

(I) A communications assistant, acting within the scope of the communication assistant's authority, when providing telecommunications relay service pursuant to section 4931.35 of the Revised Code or Title II of the "Communications Act of 1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication made through a telecommunications relay service. Nothing in this section shall limit the obligation of a

ons assistant to divulge information or testify when mandated by federal law or regulation or pursuant to subpoena in a criminal proceeding.

Nothing in this section shall limit any immunity or privilege granted under federal law or regulation.

(J)(1) A chiropractor in a civil proceeding concerning a communication made to the chiropractor by a patient in that relation or the chiropractor's advice to a patient, except as otherwise provided in this division. The testimonial privilege established under this division does not apply, and a chiropractor may testify or may be compelled to testify, in any civil action, in accordance with the discovery provisions of the Rules of Civil Procedure in connection with a civil action, or in connection with a claim under Chapter 4123. of the Revised Code, under any of the following circumstances:

(a) If the patient or the guardian or other legal representative of the patient gives express consent.

(b) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent.

(c) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.11 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative.

(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.

(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding.

(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a chiropractor to diagnosis, treat, or act for a patient. A communication may include, but is not limited to, any chiropractic, office, or hospital communication such as a

record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.

Sec. 2317.022. (A) As used in this section, "health care provider" has the same meaning as in section ~~3729.04~~ 2317.02 of the Revised Code.

(B) If an official criminal investigation has begun regarding a person or if a criminal action or proceeding is commenced against a person, any law enforcement officer who wishes to obtain from any health care provider a copy of any records the provider possesses that pertain to any test or the result of any test administered to the person to determine the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug of abuse in the person's blood, breath, or urine at any time relevant to the criminal offense in question shall submit to the health care facility a written statement in the following form:

"WRITTEN STATEMENT REQUESTING THE RELEASE OF
RECORDS

To: (insert name of the health care provider in question).

I hereby state that an official criminal investigation has begun regarding, or a criminal action or proceeding has been commenced against, (insert the name of the person in question), and that I believe that one or more tests has been administered to ~~him~~ that person by this health care provider to determine the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug of abuse in ~~his~~ that person's blood, breath, or urine at a time relevant to the criminal offense in question. Therefore, I hereby request that, pursuant to division (B)(2) of section 2317.02 of the Revised Code, this health care provider supply me with copies of any records the provider possesses that pertain to any test or the results of any test administered to the person specified above to determine the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug of abuse in ~~his~~ that person's blood, breath, or urine at any time relevant to the criminal offense in question.

.....
(Name of officer)

.....
(Officer's title)

.....
(Officer's employing agency)

.....
(Officer's telephone number)

.....
.....

.....
(Agency's address)

.....
(Date written statement submitted)"

(C) A health care provider that receives a written statement of the type described in division (B) of this section shall comply with division (B)(2) of section 2317.02 of the Revised Code relative to the written statement.

Sec. 2329.66. (A) Every person who is domiciled in this state may hold property exempt from execution, garnishment, attachment, or sale to satisfy a judgment or order, as follows:

(1)(a) In the case of a judgment or order regarding money owed for health care services rendered or health care supplies provided to the person or a dependent of the person, one parcel or item of real or personal property that the person or a dependent of the person uses as a residence. Division (A)(1)(a) of this section does not preclude, affect, or invalidate the creation under this chapter of a judgment lien upon the exempted property but only delays the enforcement of the lien until the property is sold or otherwise transferred by the owner or in accordance with other applicable laws to a person or entity other than the surviving spouse or surviving minor children of the judgment debtor. Every person who is domiciled in this state may hold exempt from a judgment lien created pursuant to division (A)(1)(a) of this section the person's interest, not to exceed five thousand dollars, in the exempted property.

(b) In the case of all other judgments and orders, the person's interest, not to exceed five thousand dollars, in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence.

(2) The person's interest, not to exceed one thousand dollars, in one motor vehicle;

(3) The person's interest, not to exceed two hundred dollars in any particular item, in wearing apparel, beds, and bedding, and the person's interest, not to exceed three hundred dollars in each item, in one cooking unit and one refrigerator or other food preservation unit;

(4)(a) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person. Division (A)(4)(a) of this section applies only in bankruptcy proceedings. This exemption may include the portion of personal earnings that is not exempt under division (A)(13) of this section.

(b) Subject to division (A)(4)(d) of this section, the person's interest, not

to exceed two hundred dollars in any particular item, in household furnishings, household goods, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment, that are held primarily for the personal, family, or household use of the person;

(c) Subject to division (A)(4)(d) of this section, the person's interest in one or more items of jewelry, not to exceed four hundred dollars in one item of jewelry and not to exceed two hundred dollars in every other item of jewelry;

(d) Divisions (A)(4)(b) and (c) of this section do not include items of personal property listed in division (A)(3) of this section.

If the person does not claim an exemption under division (A)(1) of this section, the total exemption claimed under division (A)(4)(b) of this section shall be added to the total exemption claimed under division (A)(4)(c) of this section, and the total shall not exceed two thousand dollars. If the person claims an exemption under division (A)(1) of this section, the total exemption claimed under division (A)(4)(b) of this section shall be added to the total exemption claimed under division (A)(4)(c) of this section, and the total shall not exceed one thousand five hundred dollars.

(5) The person's interest, not to exceed an aggregate of seven hundred fifty dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;

(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;

(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;

(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in ~~lump-sum~~ lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.

(7) The person's professionally prescribed or medically necessary health aids;

(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;

(9) The person's interest in the following:

(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;

(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;

(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;

(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;

(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;

(f) Disability assistance payments, as exempted by section 5115.07 of the Revised Code.

(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the Ohio public safety officers death benefit fund;

(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 individual retirement account that provides benefits by reason of illness, disability, death, or age, to the extent that the assets, payments, or benefits described in division (A)(10)(c) of this section are attributable to any of the following:

(i) Contributions of the person that were less than or equal to the applicable limits on deductible contributions to an individual retirement account or individual retirement annuity in the year that the contributions were made, whether or not the person was eligible to deduct the contributions on the person's federal tax return for the year in which the contributions were made;

(ii) Contributions of the person that were less than or equal to the applicable limits on contributions to a Roth IRA or education individual retirement account in the year that the contributions were made;

(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(d) 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 Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents.

(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;

(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:

(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;

(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;

(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;

(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.

(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:

(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;

(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.

(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.

(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;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.

(C) For purposes of this section, "interest" shall be determined as follows:

(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;

(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.

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.

Sec. 2715.041. (A) Upon the filing of a motion for an order of attachment pursuant to section 2715.03 of the Revised Code, the plaintiff shall file with the clerk of the court a praecipe instructing the clerk to issue to the defendant against whom the motion was filed a notice of the proceeding. Upon receipt of the praecipe, the clerk shall issue the notice which shall be in substantially the following form:

"(Name and Address of Court)
Case 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.

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.

If you dispute the plaintiff's claim and believe that you are entitled to retain possession of the property because it is exempt or for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form appearing below, or in a substantially similar form, and delivering the request for the hearing to this court, at the office of the clerk of this court, not later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the claim in the space provided on the form, but you are not required to do so. If you do state your reasons for disputing the claim in the space provided on the form, 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 conducted in courtroom, (address of court), atm. on,

You may avoid having a hearing but retain possession of the property until the entry of final judgment in the action by filing with the court, at the office of the clerk of this court, not later than the end of the fifth business day after you receive this notice, a bond executed by an acceptable surety in the amount of \$.....

If you do not request a hearing or file a bond on or before the end of the fifth business day after you receive this notice, the court, without further notice to you, may order a law enforcement officer or bailiff to take possession of the property. Notice of the dates, times, places, and purposes of any subsequent hearings and of the date, time, and place of the trial of the action will be sent to you.

.....
Clerk of Court
Date:....."

(B) Along with the notice required by division (A) of this section, the clerk of the court also shall deliver to the defendant, in accordance with

division (C) of this section, a request for hearing form together with a postage-paid, self-addressed envelope or a request for hearing form on a postage-paid, self-addressed postcard. The request for hearing shall be in substantially the following form:

.....
"(Name and Address of Court)

Case Number Date

REQUEST FOR HEARING

I dispute the claim for the attachment of property in the above case and request that a hearing in this matter be held at the time and place set forth in the notice that I previously received.

I dispute the claim for the following reasons:

.....
(Optional)
.....
.....

.....
(Name of Defendant)

.....
(Signature)

.....
(Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING."

(C) The notice required by division (A) of this section shall be served on the defendant in duplicate not less than seven business days prior to the date on which the hearing is scheduled, together with a copy of the complaint and summons, if not previously served, and a copy of the motion for the attachment of property and the affidavit attached to the motion, in the same manner as provided in the Rules of Civil Procedure for the service of process. Service may be effected by publication as provided in the Rules of Civil Procedure except that the number of weeks for publication may be reduced by the court to the extent appropriate.

Sec. 2715.045. (A) Upon the filing of a motion for attachment, a court may issue an order of attachment without issuing notice to the defendant against whom the motion was filed and without conducting a hearing if the

court finds that there is probable cause to support the motion and that the plaintiff that filed the motion for attachment will suffer irreparable injury if the order is delayed until the defendant against whom the motion has been filed has been given the opportunity for a hearing. The court's findings shall be based upon the motion and affidavit filed pursuant to section 2715.03 of the Revised Code and any other relevant evidence that it may wish to consider.

(B) A finding by the court that the plaintiff will suffer irreparable injury may be made only if the court finds the existence of either of the following circumstances:

(1) There is present danger that the property will be immediately disposed of, concealed, or placed beyond the jurisdiction of the court.

(2) The value of the property will be impaired substantially if the issuance of an order of attachment is delayed.

(C)(1) Upon the issuance by a court of an order of attachment without notice and hearing pursuant to this section, the plaintiff shall file the order with the clerk of the court, together with a praecipe instructing the clerk to issue to the defendant against whom the order was issued a copy of the motion, affidavit, and order of attachment, and a notice that an order of attachment was issued and that the defendant has a right to a hearing on the matter. The clerk then immediately shall serve upon the defendant, in the manner provided by the Rules of Civil Procedure for service of process, a copy of the complaint and summons, if not previously served, a copy of the motion, affidavit, and order of attachment, and the following notice:

"(Name and Address of the Court)

(Case Caption)

Case No.

NOTICE

You are hereby notified that this court has issued an order in the above case in favor of (name and address of plaintiff), the plaintiff in this proceeding, directing that property now in your possession, be taken from you. This order was issued on the basis of the plaintiff's claim against you as indicated in the documents that are enclosed with this notice.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed on by a creditor are:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) Cash assistance payments under the Ohio works first program;
- (4) Benefits and services under the prevention, retention, and contingency program;

(5) Disability assistance administered by the Ohio department of job and family services;

~~(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.

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.

If you dispute the plaintiff's claim and believe that you are entitled to possession of the property because it is exempt or for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the clerk of this court, no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the claim in the space provided on the form; however, you are not required to do so. If you do state your reasons for disputing the claim, you are not prohibited from stating any other reasons at the hearing, and if you do not state your reasons, it will not be held against you by the court and you can state your reasons at the hearing. If you request a hearing, it will be held within three business days after delivery of your request for hearing and notice of the date, time, and place of the hearing will be sent to you.

You may avoid a hearing but recover and retain possession of the property until the entry of final judgment in the action by filing with the court, at the office of the clerk of this court, not later than the end of the fifth business day after you receive this notice, a bond executed by an acceptable surety in the amount of \$.....

If you do not request a hearing or file a bond before the end of the fifth business day after you receive this notice, possession of the property will be withheld from you during the pendency of the action. Notice of the dates, times, places, and purposes of any subsequent hearings and of the date, time, and place of the trial of the action will be sent to you.

.....
Clerk of the Court

.....
Date"

(2) Along with the notice required by division (C)(1) of this section, the clerk of the court also shall deliver to the defendant a request for hearing

form together with a postage-paid, self-addressed envelope or a request for hearing form on a postage-paid, self-addressed postcard. The request for hearing shall be in substantially the following form:

"(Name and Address of Court)

Case Number Date

REQUEST FOR HEARING

I dispute the claim for possession of property in the above case and request that a hearing in this matter be held within three business days after delivery of this request to the court.

I dispute the claim for the following reasons:

.....
(Optional)
.....
.....

.....
(Name of Defendant)

.....
(Signature)

.....
(Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION."

(D) The defendant may receive a hearing in accordance with section 2715.043 of the Revised Code by delivering a written request for hearing to the court within five business days after receipt of the notice provided pursuant to division (C) of this section. The request may set forth the defendant's reasons for disputing the plaintiff's claim for possession of property. However, neither the defendant's inclusion of nor failure to include such reasons upon the request constitutes a waiver of any defense of the defendant or affects the defendant's right to produce evidence at any hearing or at the trial of the action. If the request is made by the defendant, the court shall schedule a hearing within three business days after the request is made, send notice to the parties of the date, time, and place of the hearing, and hold the hearing accordingly.

(E) If, after hearing, the court finds that there is not probable cause to

support the motion, it shall order that the property be redelivered to the defendant without the condition of bond.

Sec. 2716.13. (A) Upon the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the court shall cause the matter to be set for hearing within twelve days after that filing.

(B) Upon the scheduling of a hearing relative to a proceeding in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall issue to the garnishee three copies of the order of garnishment of property, other than personal earnings, and of a written notice that the garnishee answer as provided in section 2716.21 of the Revised Code and the garnishee's fee required by section 2716.12 of the Revised Code. The copies of the order and of the notice shall be served upon the garnishee in the same manner as a summons is served. The copies of the order and of the notice shall not be served later than seven days prior to the date on which the hearing is scheduled. The order shall bind the property, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service.

The order of garnishment of property, other than personal earnings, and notice to answer shall be in substantially the following form:

"ORDER AND NOTICE OF GARNISHMENT
OF PROPERTY OTHER THAN PERSONAL EARNINGS
AND ANSWER OF GARNISHEE

Docket No.

Case No.

In the Court

....., Ohio

The State of Ohio

County of, ss

....., Judgment Creditor

vs.

....., Judgment Debtor

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

To:, Garnishee

The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this Court stating that you have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the judgment debtor, and that some of the money, property, or credits may not be exempt from garnishment under the laws of the State of Ohio or the laws of the United States.

You are therefore ordered to complete the "ANSWER OF GARNISHEE" in section (B) of this form. Return one completed and signed copy of this form to the clerk of this court together with the amount determined in accordance with the "ANSWER OF GARNISHEE" by the following date on which a hearing is tentatively scheduled relative to this order of garnishment: Deliver one completed and signed copy of this form to the judgment debtor prior to that date. Keep the other completed and signed copy of this form for your files.

The total probable amount now due on this judgment is \$..... The total probable amount now due includes the unpaid portion of the judgment in favor of the judgment creditor, which is \$.....; interest on that judgment and, if applicable, prejudgment interest relative to that judgment at the rate of% per annum payable until that judgment is satisfied in full; and court costs in the amount of \$.....

You also are ordered to hold safely anything of value that belongs to the judgment debtor and that has to be paid to the court, as determined under the "ANSWER OF GARNISHEE" in section (B) of this form, but that is of such a nature that it cannot be so delivered, until further order of the court.

Witness my hand and the seal of this court this day of,
.....

.....
Judge

SECTION B. ANSWER OF GARNISHEE

Now comes the garnishee, who says:

1. That the garnishee has money, property, or credits, other than personal earnings, of the judgment debtor under the garnishee's control and in the garnishee's possession.

.....
yes no if yes, amount

2. That property is described as:

3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay the amount of line 1 to the clerk of this court.

4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay that probable amount now due to the clerk of this court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of the court,

indicate that by placing an "X" in this space: Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.

6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.

I certify that the statements above are true.

.....
(Print Name of Garnishee)

.....
(Print Name and Title of
Person Who Completed Form)

Signed.....
(Signature of Person Completing Form)

Dated this day of,"

Section A of the form described in this division shall be completed before service. Section B of the form shall be completed by the garnishee, and the garnishee shall file one completed and signed copy of the form with the clerk of the court as the garnishee's answer. The garnishee may keep one completed and signed copy of the form and shall deliver the other completed and signed copy of the form to the judgment debtor.

If several affidavits seeking orders of garnishment of property, other than personal earnings, are filed against the same judgment debtor in accordance with section 2716.11 of the Revised Code, the court involved shall issue the requested orders in the same order in which the clerk received the associated affidavits.

(C)(1) At the time of the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the judgment creditor also shall file with the clerk of the court a praecipe instructing the clerk to issue to the judgment debtor a notice to the judgment debtor form and a request for hearing form. Upon receipt of the praecipe and the scheduling of a hearing relative to an action in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall serve upon the judgment debtor, in accordance with division (D) of this section, two copies of the notice to the judgment debtor form and of the request for hearing form. The copies of the notice to the judgment debtor form and of the request for hearing form shall not be served later than seven days prior to the date on which the hearing is scheduled.

(a) The notice to the judgment debtor that must be served upon the judgment debtor shall be in substantially the following form:

"(Name and Address of the Court)

(Case Caption) Case No.

NOTICE TO THE JUDGMENT DEBTOR

You are hereby notified that this court has issued an order in the above case in favor of (name and address of judgment creditor), the judgment creditor in this proceeding, directing that some of your money, property, or credits, other than personal earnings, now in the possession of (name and address of garnishee), the garnishee in this proceeding, be used to satisfy your debt to the judgment creditor. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in (name of court) in (case number) on (date). Upon your receipt of this notice, you are prohibited from removing or attempting to remove the money, property, or credits until expressly permitted by the court. Any violation of this prohibition subjects you to punishment for contempt of court.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed upon by a creditor are the following:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) Cash assistance payments under the Ohio works first program;
- (4) Benefits and services under the prevention, retention, and contingency program;
- (5) Disability assistance administered by the Ohio department of job and family services;
- ~~(5)~~(6) Social security benefits;
- ~~(6)~~(7) Supplemental security income (S.S.I.);
- ~~(7)~~(8) Veteran's benefits;
- ~~(8)~~(9) Black lung benefits;
- ~~(9)~~(10) Certain pensions.

There may be other benefits not included in the above list that apply in your case.

If you dispute the judgment creditor's right to garnish your property and believe that the judgment creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the garnishee because they are exempt or if you feel that this order is improper 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 judgment creditor's right to garnish your property in the space provided on the form; however, you are not required to do so. If you do state your reasons for disputing the judgment creditor's right, you are not prohibited from stating any other reason at the hearing. 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. **NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.** If you request a hearing, 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

REQUEST FOR HEARING

I dispute the judgment creditor's right to garnish my money, property, or credits, other than personal earnings, in the above case and request that a

hearing in this matter be held

.....

(Insert "on" or "earlier than")

the date and time set forth in the document entitled "NOTICE TO THE JUDGMENT DEBTOR" that I received with this request form.

I dispute the judgment creditor's right to garnish my property for the following reasons:

.....

(Optional)

.....

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.

.....
(Name of Judgment Debtor)

.....
(Signature)

.....
(Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING 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 CREDITOR'S NAME)."

(2) The judgment debtor may receive a hearing in accordance with this division by delivering a written request for hearing to the court within five business days after receipt of the notice provided pursuant to division (C)(1) of this section. The request may set forth the judgment debtor's reasons for disputing the judgment creditor's right to garnish the money, property, or credits, other than personal earnings; however, neither the judgment debtor's inclusion of nor failure to include those reasons upon the request constitutes a waiver of any defense of the judgment debtor or affects the judgment debtor's right to produce evidence at the hearing. If the request is made by the judgment debtor within the prescribed time, the hearing shall be limited to a consideration of the amount of money, property, or credits, other than personal earnings, of the judgment debtor in the hands of the garnishee, if

any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor. If a request for a hearing is not received by the court within the prescribed time, the hearing scheduled pursuant to division (A) of this section shall be canceled unless the court grants the judgment debtor a continuance in accordance with division (C)(3) of this section.

(3) If the judgment debtor does not request a hearing in the action within the prescribed time pursuant to division (C)(2) of this section, the court nevertheless may grant a continuance of the scheduled hearing if the judgment debtor, prior to the time at which the hearing was scheduled, as indicated on the notice to the judgment debtor required by division (C)(1) of this section, establishes a reasonable justification for failure to request the hearing within the prescribed time. If the court grants a continuance of the hearing, it shall cause the matter to be set for hearing as soon as practicable thereafter. The continued hearing shall be conducted in accordance with division (C)(2) of this section.

(4) The court may conduct the hearing on the matter prior to the time at which the hearing was scheduled, as indicated on the notice to the judgment debtor required by division (C)(1) of this section, upon the request of the judgment debtor. The parties shall be sent notice, by the clerk of the court, by regular mail, of any change in the date, time, or place of the hearing.

(5) If the scheduled hearing is canceled and no continuance is granted, the court shall issue an order to the garnishee to pay all or some of the money, property, or credits, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order into court if they have not already been paid to the court. This order shall be based on the answer of the garnishee filed pursuant to this section. If the scheduled hearing is conducted or if it is continued and conducted, the court shall determine at the hearing the amount of the money, property, or credits, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor, and issue an order, accordingly, to the garnishee to pay that amount into court if it has not already been paid to the court.

(D) The notice to the judgment debtor form and the request for hearing form described in division (C) of this section shall be sent by the clerk by ordinary or regular mail service unless the judgment creditor requests that service be made in accordance with the Rules of Civil Procedure, in which case the forms shall be served in accordance with the Rules of Civil

Procedure. Any court of common pleas that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court. Any county court or municipal court that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court.

Sec. 2919.271. (A)(1)(a) If a defendant is charged with a violation of section 2919.27 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 if the court determines that either of the following criteria apply:

(i) If the alleged violation is a violation of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, that the violation allegedly involves conduct by the defendant that caused physical harm to the person or property of a family or household member covered by the order or agreement, or conduct by the defendant that caused a family or household member to believe that the defendant would cause physical harm to that member or that member's property.

(ii) If the alleged violation is a violation of a protection order issued pursuant to section 2903.213 or 2903.214 of the Revised Code or a protection order issued by a court of another state, that the violation allegedly involves conduct by the defendant that caused physical harm to the person or property of the person covered by the order, or conduct by the defendant that caused the person covered by the order to believe that the defendant would cause physical harm to that person or that person's property.

(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 ~~(H)~~(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 to make the evaluation and preceding examination of the mental condition of the defendant.

(B) If the court considers that additional evaluations of the mental condition of a defendant are necessary following the evaluation authorized by division (A) of this section, the court may order up to two additional similar evaluations. These evaluations shall be completed no later than thirty days from the date the applicable court order is entered. If more than one evaluation of the mental condition of the defendant is ordered under this division, the prosecutor and the defendant may recommend to the court an examiner whom each prefers to perform one of the evaluations and preceding examinations.

(C)(1) The court may order a defendant who has been released on bail to submit to an examination under division (A) or (B) of this section. The examination shall be conducted either at the detention facility in which the defendant would have been confined if the defendant had not been released on bail, or, if so specified by the center, program, facility, or examiners involved, at the premises of the center, program, or facility. Additionally, the examination shall be conducted at the times established by the examiners involved. If such a defendant refuses to submit to an examination or a complete examination as required by the court or the center, program, facility, or examiners involved, the court may amend the conditions of the bail of the defendant and order the sheriff to take the defendant into custody and deliver the defendant to the detention facility in which the defendant

would have been confined if the defendant had not been released on bail, or, if so specified by the center, program, facility, or examiners involved, to the premises of the center, program, or facility, for purposes of the examination.

(2) A defendant who has not been released on bail shall be examined at the detention facility in which the defendant is confined or, if so specified by the center, program, facility, or examiners involved, at the premises of the center, program, or facility.

(D) The examiner of the mental condition of a defendant under division (A) or (B) of this section shall file a written report with the court within thirty days after the entry of an order for the evaluation of the mental condition of the defendant. The report shall contain the findings of the examiner; the facts in reasonable detail on which the findings are based; the opinion of the examiner as to the mental condition of the defendant; the opinion of the examiner as to whether the defendant represents a substantial risk of physical harm to other persons as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that placed other persons in reasonable fear of violent behavior and serious physical harm, or evidence of present dangerousness; and the opinion of the examiner as to the types of treatment or counseling that the defendant needs. The court shall provide copies of the report to the prosecutor and defense counsel.

(E) The costs of any evaluation and preceding examination of a defendant that is ordered pursuant to division (A) or (B) of this section shall be taxed as court costs in the criminal case.

(F) If the examiner considers it necessary in order to make an accurate evaluation of the mental condition of a defendant, an examiner under division (A) or (B) of this section may request any family or household member of the defendant to provide the examiner with information. A family or household member may, but is not required to, provide information to the examiner upon receipt of the request.

(G) As used in this section:

(1) "Bail" includes a recognizance.

(2) "Examiner" means a psychiatrist, a licensed independent social worker who is employed by a forensic center that is certified as being in compliance with the standards established under division ~~(A)~~(I) of section 5119.01 or division (C) of section 5123.04 of the Revised Code, a licensed professional clinical counselor who is employed at a forensic center that is certified as being in compliance with such standards, or a licensed clinical psychologist, except that in order to be an examiner, a licensed clinical psychologist shall meet the criteria of division (I)(1) of section 5122.01 of

the Revised Code or be employed to conduct examinations by the department of mental health or by a forensic center certified as being in compliance with the standards established under division ~~(J)~~(I) of section 5119.01 or division (C) of section 5123.04 of the Revised Code that is designated by the department of mental health.

(3) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(5) "Psychiatrist" and "licensed clinical psychologist" have the same meanings as in section 5122.01 of the Revised Code.

(6) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

Sec. 2921.13. (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

(1) The statement is made in any official proceeding.

(2) The statement is made with purpose to incriminate another.

(3) The statement is made with purpose to mislead a public official in performing the public official's official function.

(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.

(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.

(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.

(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.

(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.

(9) The statement is made with purpose to commit or facilitate the

commission of a theft offense.

(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.

(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) It is no defense to a charge under division (A)(4) of this section that the oath or affirmation was administered or taken in an irregular manner.

(D) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false.

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), or (13) of this section is guilty of falsification, a misdemeanor of the first degree.

(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is five hundred dollars or more and is less than five thousand dollars, falsification in a theft offense is a felony of the fifth degree. If the value of the property or services stolen is five thousand dollars or more and is less than one hundred thousand dollars, falsification in a theft offense is a felony of the fourth degree. If the value of the property or services stolen is one hundred thousand dollars or more,

falsification in a theft offense is a felony of the third degree.

(3) Whoever violates division (A)(12) or (B) of this section is guilty of falsification to purchase a firearm, a felony of the fifth degree.

(F) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this division. A civil action under this division is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.

Sec. 2953.21. (A)(1) Any person who has been convicted of a criminal offense or adjudicated a delinquent child and who claims that there was such a denial or infringement of the person's rights as to render the judgment void or voidable under the Ohio Constitution or the Constitution of the United States may file a petition in the court that imposed sentence, stating the grounds for relief relied upon, and asking the court to vacate or set aside the judgment or sentence or to grant other appropriate relief. The petitioner may file a supporting affidavit and other documentary evidence in support of the claim for relief.

(2) A petition under division (A)(1) of this section shall be filed no later than one hundred eighty days after the date on which the trial transcript is filed in the court of appeals in the direct appeal of the judgment of conviction or adjudication or, if the direct appeal involves a sentence of death, the date on which the trial transcript is filed in the supreme court. If no appeal is taken, the petition shall be filed no later than one hundred eighty days after the expiration of the time for filing the appeal.

(3) In a petition filed under division (A) of this section, a person upon whom a sentence of death has been imposed may ask the court to render void or voidable the judgment with respect to the conviction of aggravated murder or the specification of an aggravating circumstance.

(4) A petitioner shall state in the original or amended petition filed under division (A) of this section all grounds for relief claimed by the petitioner. Except as provided in section 2953.23 of the Revised Code, any ground for relief that is not so stated in the petition is waived.

(5) If the petitioner in a petition filed under division (A) of this section was convicted of or pleaded guilty to a felony, the petition may include a claim that the petitioner was denied the equal protection of the laws in violation of the Ohio Constitution or the United States Constitution because the sentence imposed upon the petitioner for the felony was part of a

consistent pattern of disparity in sentencing by the judge who imposed the sentence, with regard to the petitioner's race, gender, ethnic background, or religion. If the supreme court adopts a rule requiring a court of common pleas to maintain information with regard to an offender's race, gender, ethnic background, or religion, the supporting evidence for the petition shall include, but shall not be limited to, a copy of that type of information relative to the petitioner's sentence and copies of that type of information relative to sentences that the same judge imposed upon other persons.

(B) The clerk of the court in which the petition is filed shall docket the petition and bring it promptly to the attention of the court. The petitioner need not serve a copy of the petition on the prosecuting attorney. The clerk of the court in which the petition is filed immediately shall forward a copy of the petition to the prosecuting attorney of that county.

(C) The court shall consider a petition that is timely filed under division (A)(2) of this section even if a direct appeal of the judgment is pending. Before granting a hearing on a petition filed under division (A) of this section, the court shall determine whether there are substantive grounds for relief. In making such a determination, the court shall consider, in addition to the petition, the supporting affidavits, and the documentary evidence, all the files and records pertaining to the proceedings against the petitioner, including, but not limited to, the indictment, the court's journal entries, the journalized records of the clerk of the court, and the court reporter's transcript. The court reporter's transcript, if ordered and certified by the court, shall be taxed as court costs. If the court dismisses the petition, it shall make and file findings of fact and conclusions of law with respect to such dismissal.

(D) Within ten days after the docketing of the petition, or within any further time that the court may fix for good cause shown, the prosecuting attorney shall respond by answer or motion. Within twenty days from the date the issues are made up, either party may move for summary judgment. The right to summary judgment shall appear on the face of the record.

(E) Unless the petition and the files and records of the case show the petitioner is not entitled to relief, the court shall proceed to a prompt hearing on the issues even if a direct appeal of the case is pending. If the court notifies the parties that it has found grounds for granting relief, either party may request an appellate court in which a direct appeal of the judgment is pending to remand the pending case to the court.

(F) At any time before the answer or motion is filed, the petitioner may amend the petition with or without leave or prejudice to the proceedings. The petitioner may amend the petition with leave of court at any time

thereafter.

(G) If the court does not find grounds for granting relief, it shall make and file findings of fact and conclusions of law and shall enter judgment denying relief on the petition. If no direct appeal of the case is pending and the court finds grounds for relief or if a pending direct appeal of the case has been remanded to the court pursuant to a request made pursuant to division (E) of this section and the court finds grounds for granting relief, it shall make and file findings of fact and conclusions of law and shall enter a judgment that vacates and sets aside the judgment in question, and, in the case of a petitioner who is a prisoner in custody, shall discharge or resentence the petitioner or grant a new trial as the court determines appropriate. The court also may make supplementary orders to the relief granted, concerning such matters as arraignment, retrial, custody, and bail. If the trial court's order granting the petition is reversed on appeal and if the direct appeal of the case has been remanded from an appellate court pursuant to a request under division (E) of this section, the appellate court reversing the order granting the petition shall notify the appellate court in which the direct appeal of the case was pending at the time of the remand of the reversal and remand of the trial court's order. Upon the reversal and remand of the trial court's order granting the petition, regardless of whether notice is sent or received, the direct appeal of the case that was remanded is reinstated.

(H) Upon the filing of a petition pursuant to division (A) of this section by a prisoner in a state correctional institution who has received the death penalty, the court may stay execution of the judgment challenged by the petition.

(I)(1) If a person who has received the death penalty intends to file a petition under this section, the court shall appoint counsel to represent the person upon a finding that the person is indigent and that the person either accepts the appointment of counsel or is unable to make a competent decision whether to accept or reject the appointment of counsel. The court may decline to appoint counsel for the person only upon a finding, after a hearing if necessary, that the person rejects the appointment of counsel and understands the legal consequences of that decision or upon a finding that the person is not indigent.

(2) The court shall not appoint as counsel under division (I)(1) of this section an attorney who represented the petitioner at trial in the case to which the petition relates unless the person and the attorney expressly request the appointment. The court shall appoint as counsel under division (I)(1) of this section only an attorney who is certified under Rule ~~65~~ 20 of

the Rules of Superintendence for the Courts of ~~Common Pleas~~ Ohio to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed. The ineffectiveness or incompetence of counsel during proceedings under this section does not constitute grounds for relief in a proceeding under this section, in an appeal of any action under this section, or in an application to reopen a direct appeal.

(3) Division (I) of this section does not preclude attorneys who represent the state of Ohio from invoking the provisions of 28 U.S.C. 154 with respect to capital cases that were pending in federal habeas corpus proceedings prior to the effective date of this amendment insofar as the petitioners in those cases were represented in proceedings under this section by one or more counsel appointed by the court under this section or section 120.06, 120.16, 120.26, or 120.33 of the Revised Code and those appointed counsel meet the requirements of division (I)(2) of this section.

(J) Subject to the appeal of a sentence for a felony that is authorized by section 2953.08 of the Revised Code, the remedy set forth in this section is the exclusive remedy by which a person may bring a collateral challenge to the validity of a conviction or sentence in a criminal case or to the validity of an adjudication of a child as a delinquent child for the commission of an act that would be a criminal offense if committed by an adult or the validity of a related order of disposition.

Sec. 3109.14. (A) As used in this section, "birth record" and "certification of birth" have the meanings given in section 3705.01 of the Revised Code.

(B)(1) The director of health, a person authorized by the director, a local commissioner of health, or a local registrar of vital statistics shall charge and collect a fee for each certified copy of a birth record ~~and, for each certification of birth a fee of two dollars,~~ and for each copy of a death record ~~a fee of two dollars.~~ Until October 1, 2001, the fee shall be two dollars. On and after October 1, 2001, the fee shall be three dollars. The fee is in addition to the fee imposed by section 3705.24 or any other section of the Revised Code. A local commissioner of health or a local registrar of vital statistics may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the treasurer of state.

(2) Upon the filing for a divorce decree under section 3105.10 or a decree of dissolution under section 3105.65 of the Revised Code, a court of common pleas shall charge and collect a fee ~~of ten dollars.~~ Until October 1,

2001, the fee shall be ten dollars. On and after October 1, 2001, the fee shall be eleven dollars. The fee is in addition to any other court costs or fees. The county clerk of courts may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the treasurer of state.

(C) The additional fees collected, but not retained, under this section during each month shall be forwarded not later than the tenth day of the immediately following month to the treasurer of state, who shall deposit the fees in the state treasury to the credit of the children's trust fund, which is hereby created. A person or government entity that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall forward to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees.

The treasurer of state shall invest the moneys in the fund, and all earnings resulting from investment of the fund shall be credited to the fund, except that actual administrative costs incurred by the treasurer of state in administering the fund may be deducted from the earnings resulting from investments. The amount that may be deducted shall not exceed three per cent of the total amount of fees credited to the fund in each fiscal year, except that the children's trust fund board may approve an amount for actual administrative costs exceeding three per cent but not exceeding four per cent of such amount. The balance of the investment earnings shall be credited to the fund. Moneys credited to the fund shall be used only for the purposes described in sections 3109.13 to 3109.18 of the Revised Code.

Sec. 3119.022. When a court or child support enforcement agency calculates the amount of child support to be paid pursuant to a child support order in a proceeding in which one parent is the residential parent and legal custodian of all of the children who are the subject of the child support order or in which the court issues a shared parenting order, the court or agency shall use a worksheet identical in content and form to the following:

CHILD SUPPORT COMPUTATION WORKSHEET

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER

Name of parties

Case No.

Number of minor children

The following parent was designated as residential parent and legal custodian: mother father shared

Column I Column II Column
III

	Father	Mother	Combined
INCOME			
1.a. Annual gross income from employment or, when determined appropriate by the court or agency, average annual gross income from employment over a reasonable period of years. (Exclude overtime, bonuses, self-employment income, or commissions).....	\$.....	\$.....	
b. Amount of overtime, bonuses, and commissions (year 1 representing the most recent year)			
Father		Mother	
Yr. 3 \$.....		Yr. 3 \$.....	
(Three years ago)		(Three years ago)	
Yr. 2 \$.....		Yr. 2 \$.....	
(Two years ago)		(Two years ago)	
Yr. 1 \$.....		Yr. 1 \$.....	
(Last calendar year)		(Last calendar year)	
Average \$.....		Average \$.....	
(Include in Col. I and/or Col. II the average of the three years or the year 1 amount, whichever is less, if there exists a reasonable expectation that the total earnings from overtime and/or bonuses during the current calendar year will meet or exceed the amount that is the lower of the average of the three years or the year 1 amount. If, however, there exists a reasonable expectation that the total earnings from overtime/			

	bonuses during the current calendar year will be less than the lower of the average of the 3 years or the year 1 amount, include only the amount reasonably expected to be earned this year.)...	\$.....	\$.....
2.	For self-employment income:		
a.	Gross receipts from business.....	\$.....	\$.....
b.	Ordinary and necessary business expenses.....	\$.....	\$.....
c.	5.6% of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the F.I.C.A. rate	\$.....	\$.....
d.	Adjusted gross income from self-employment (subtract the sum of 2b and 2c from 2a).....	\$.....	\$.....
3.	Annual income from interest and dividends (whether or not taxable).....	\$.....	\$.....
4.	Annual income from unemployment compensation...	\$.....	\$.....
5.	Annual income from workers' compensation, disability insurance benefits, or social security disability/retirement benefits.....	\$.....	\$.....
6.	Other annual income (identify).....	\$.....	\$.....
7.	Total annual gross income (add lines 1a, 1b, 2d, and 3-6).....	\$.....	\$.....
ADJUSTMENTS TO INCOME			
8.	Adjustment for minor		

	Children		
	born to or adopted by either		
	parent and another parent who		
	are living with this parent;		
	adjustment does not apply		
	to stepchildren (number of		
	children times federal income		
	tax exemption less child		
	support received, not to		
	exceed the federal tax		
	exemption).....	\$.....	\$.....
9.	Annual court-ordered support		
	paid for other children....	\$.....	\$.....
10.	Annual court-ordered spousal		
	support paid to any spouse		
	or former spouse.....	\$.....	\$.....
11.	Amount of local income taxes		
	actually paid or estimated		
	to be paid.....	\$.....	\$.....
12.	Mandatory work-related		
	deductions such as union		
	dues, uniform fees, etc.		
	(not including taxes, social		
	security, or retirement)...	\$.....	\$.....
13.	Total gross income		
	adjustments (add lines		
	8 through 12).....	\$.....	\$.....
14.	Adjusted annual gross		
	income (subtract line 13		
	from line 7).....	\$.....	\$.....
15.	Combined annual income that		
	is basis for child support		
	order (add line 14, Col. I		
	and Col. II).....		\$.....
16.	Percentage of parent's		
	income to total income		
a.	Father (divide line 14,		
	Col. I, by line 15, Col.		
	III).....%		
b.	Mother (divide line 14,		

- Col. II, by line 15, Col. III).....%
17. Basic combined child support obligation (refer to schedule, first column, locate the amount nearest to the amount on line 15, Col. III, then refer to column for number of children in this family. If the income of the parents is more than one sum but less than another, you may calculate the difference.)..... \$.....
 18. Annual support obligation per parent
 - a. Father (multiply line 17, Col. III, by line 16a)..... \$.....
 - b. Mother (multiply line 17, Col. III, by line 16b)..... \$.....
 19. Annual child care expenses for children who are the subject of this order that are work-, employment training-, or education-related, as approved by the court or agency (deduct tax credit from annual cost, whether or not claimed)..... \$..... \$.....
 20. Marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of this order..... \$..... \$.....
 21. **ADJUSTMENTS TO CHILD SUPPORT**
 - a. Additions: line 16a
 Father (only if obligor or shared parenting)
 - b. Additions: line 16b
 Mother (only if obligor or shared parenting)

times sum of amounts
shown on line 19, Col. II
and line 20, Col. II
\$.....

c. Subtractions: line 16b
times sum of amounts
shown on line 19, Col. I
and line 20, Col. I
\$.....

times sum of amounts
shown on line 19, Col. I
and line 20, Col. I
\$.....

d. Subtractions: line 16a
times sum of amounts
shown on line 19, Col. II
and line 20, Col. II
\$.....

22. OBLIGATION AFTER ADJUSTMENTS TO
CHILD SUPPORT:

a. Father: line 18a plus or minus
the difference between line
21a minus line 21c (~~if the~~
~~amount on line 21c is~~
~~greater than or equal to~~
~~the amount on line 21a or~~
~~if 21a and 21c are not~~
~~applicable--enter the~~
~~number on line 18a in~~
~~Col. I~~)..... \$.....

b. Mother: line 18b plus or minus
the difference between line
21b minus line 21d (~~if the~~
~~amount on line 21d is~~
~~greater than or equal to~~
~~the amount on line 21b or~~
~~if 21b and 21d are not~~
~~applicable--enter the~~
~~number on line 18b in~~
~~Col. II~~)..... \$.....

23. ACTUAL ANNUAL
OBLIGATION:

a. (Line 22a or 22b, whichever
line corresponds to the
parent who is the obligor). \$.....

b. Any non-means-tested
benefits, including social
security and veterans'
benefits, paid to and

received by a child or a person on behalf of the child due to death, disability, or retirement of the parent..... \$.....

c. Actual annual obligation (subtract line 23b from line 23a)..... \$.....

24.a. Deviation from sole residential parent support amount shown on line 23c if amount would be unjust or inappropriate: (see section 3119.23 of the Revised Code.) (Specific facts and monetary value must be stated.)

.....
.....
.....

b. Deviation from shared parenting order: (see sections 3119.23 and 3119.24 of the Revised Code.) (Specific facts including amount of time children spend with each parent, ability of each parent to maintain adequate housing for children, and each parent's expenses for children must be stated to justify deviation.)

.....
.....
.....

25. FINAL FIGURE (This amount reflects final annual child support obligation; line 23c plus or minus any amounts indicated in line 24a or 24b \$..... Father/Mother, OBLIGOR

26. FOR DECREE: Child support per month (divide obligor's annual share, line 25, by 12) plus any processing charge..... \$.....

Prepared by:

Counsel: Pro se:
 For mother/father)
 CSEA: Other:

Worksheet Has Been Reviewed and Agreed To:

.....
 Mother Date

 Father Date

Sec. 3125.18. A child support enforcement agency shall administer a Title IV-A program identified under division (A)(3)(c) or (d) of section 5101.80 of the Revised Code that the department of job and family services provides for the agency to administer under the department's supervision pursuant to section 5101.801 of the Revised Code.

Sec. 3301.075. The state board of education shall adopt rules governing the purchasing and leasing of data processing services and equipment for all local, exempted village, city, and joint vocational school districts and all educational service centers. Such rules shall include provisions for the establishment of an Ohio education computer network under procedures, guidelines, and specifications of the department of education.

The department shall administer funds appropriated for the Ohio education computer network to ensure its efficient and economical operation and shall approve no more than twenty-seven data acquisition sites to operate concurrently. Such sites shall be approved for funding in accordance with rules of the state board adopted under this section that shall provide for the superintendent of public instruction to require the membership of each data acquisition site to be composed of combinations of school districts and educational service centers ~~from contiguous counties~~ having sufficient students to support an efficient, economical comprehensive program of computer services to member districts and educational service centers. Each data acquisition site, ~~other than sites organized under Chapter 167. of the Revised Code prior to the effective date of this section,~~ shall be organized in accordance with section 3313.92 or Chapter 167. of the Revised Code.

The department of education may contract with an independent for profit or nonprofit entity to provide current and historical information on Ohio government through the Ohio education computer network to school district libraries operating in accordance with section 3375.14 of the Revised Code in order to assist school teachers in social studies course instruction and support student research projects. Any such contract shall be awarded in accordance with Chapter 125. of the Revised Code.

Sec. 3301.70. (A) The state board of education is the designated state

agency responsible for the coordination and administration of sections 110 to 118 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 12401 to 12431, ~~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 state board shall coordinate with other state agencies to apply for funding under the act when appropriate.

(B) With the assistance of the ~~state Ohio community service advisory committee~~ council, the state board of education shall develop a plan to assist school districts in the implementation of section 3313.605 of the Revised Code and other community service activities of school districts. The state board shall encourage the development of school district programs meeting the requirements for funding under the "National and Community Service Act of 1990." The plan shall include the investigation of funding from all available sources for school community service education programs, including funds available under the "National and Community Service Act of 1990," and the provision of technical assistance to school districts for the implementation of community service education programs. The plan shall also provide for technical assistance to be given to school boards to assist in obtaining funds for community service education programs from any source.

(C) With the assistance of the ~~state Ohio community service advisory committee~~ council, the state board of education shall do all of the following:

(1) Disseminate information about school district community service education programs to other school districts and to statewide organizations involved with or promoting volunteerism;

(2) Recruit additional school districts to develop community service education programs;

(3) Identify or develop model community service programs, teacher training courses, and community service curricula and teaching materials for possible use by school districts in their programs.

Sec. 3301.80. (A) There is hereby created the Ohio SchoolNet commission as an independent agency. The commission shall administer programs to provide financial and other assistance to school districts and other educational institutions for the acquisition and utilization of educational technology.

The commission is a body corporate and politic, an agency of the state performing essential governmental functions of the state.

(B)(1) The commission shall consist of eleven members, seven of whom are voting members. Of the voting members, one shall be appointed by the speaker of the house of representatives and one shall be appointed by the

president of the senate. The members appointed by the speaker of the house and the president of the senate shall not be members of the general assembly. The state superintendent of public instruction or a designee of the superintendent, the director of budget and management or a designee of the director, the director of administrative services or a designee of the director, the chairperson of the public utilities commission or a designee of the chairperson, and the director of the Ohio educational telecommunications network commission or a designee of the director shall serve on the commission as ex officio voting members. Of the nonvoting members, two shall be members of the house of representatives appointed by the speaker of the house and two shall be members of the senate appointed by the president of the senate. The members appointed from each house shall not be members of the same political party. The commission shall appoint officers from among its members.

(2) The members shall serve without compensation. The voting members appointed by the speaker of the house of representatives and the president of the senate shall be reimbursed, pursuant to office of budget and management guidelines, for necessary expenses incurred in the performance of official duties.

(3) The terms of office for the members appointed by the speaker of the house and the president of the senate shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds. The members appointed by the speaker of the house and the president of the senate may be reappointed. Any member appointed from the house of representatives or senate who ceases to be a member of the legislative house from which the member was appointed shall cease to be a member of the commission. Vacancies among appointed members shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that term. The members appointed by the speaker of the house and the president of the senate shall continue in office subsequent to the expiration date of that member's term until a successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(C)(1) The commission shall be under the supervision of an executive director who shall be appointed by the commission. The executive director shall serve at the pleasure of the commission and shall direct commission employees in the administration of all programs for the provision of financial and other assistance to school districts and other educational institutions for the acquisition and utilization of educational technology.

(2) The employees of the Ohio SchoolNet commission shall be placed in the unclassified service. The commission shall fix the compensation of the executive director. The executive director shall employ and fix the compensation for such employees as necessary to facilitate the activities and purposes of the commission. The employees shall serve at the pleasure of the executive director.

(3) The employees of the Ohio SchoolNet commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.

(D) The Ohio SchoolNet commission shall do all of the following:

(1) Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions to utilize educational technology;

(2) Contract with the department of education, state institutions of higher education, private nonprofit institutions of higher education holding certificates of authorization under section 1713.02 of the Revised Code, and such other public or private entities as the executive director deems necessary for the administration and implementation of the programs under the commission's jurisdiction;

(3) Establish a reporting system to which school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions receiving financial assistance pursuant to this section for the acquisition of educational technology report information as to the manner in which such assistance was expended, the manner in which the equipment or services purchased with the assistance is being utilized, the results or outcome of this utilization, and other information as may be required by the commission;

(4) Establish necessary guidelines governing purchasing and procurement by participants in programs administered by the commission that facilitate the timely and effective implementation of such programs;

(5) Take into consideration the efficiency and cost savings of statewide procurement prior to allocating and releasing funds for any programs under its administration.

(E)(1) The executive director shall implement policies and directives issued by the Ohio SchoolNet commission.

(2) The Ohio SchoolNet commission may establish a systems support network to facilitate the timely implementation of the programs, projects, or activities for which it provides assistance.

(3) Chapters 123., 124., 125., and 153., and sections 9.331, 9.332, and 9.333 of the Revised Code do not apply to contracts, programs, projects, or activities of the Ohio SchoolNet commission.

Sec. 3301.85. (A) The OhioReads office is hereby established within the department of education. The office shall be under the supervision of an executive ~~director~~ administrator, who shall be appointed by the superintendent of public instruction, with the advice and consent of the OhioReads council. The executive ~~director~~ administrator shall serve at the pleasure of and report to the superintendent, but shall discharge the position according to guidelines issued by the council and shall perform any task designated by the council. The executive ~~director~~ administrator shall devote full time to the duties of that position and shall hold no other position within the department. The superintendent may hire additional staff for the office and shall fix the compensation of such employees as necessary to facilitate the activities and purposes of the office. All such employee positions shall be administrative staff positions, and all persons employed in those positions shall serve at the pleasure of the superintendent and shall not be subject to the provisions of Chapter 4117. of the Revised Code. The department shall provide the executive ~~director~~ administrator and any additional staff hired by the superintendent with offices within the department's office space.

(B) Any employee of the OhioReads office who is a member of a bargaining unit on the effective date of this amendment shall retain that status. However, when any position encumbered by such employee is vacated for any reason, the position shall cease to be subject to any provision of Chapter 4117. of the Revised Code, and any person hired to fill such position after the effective date of this amendment shall be hired in accordance with division (A) of this section as that division exists after the effective date of this amendment.

Sec. 3302.041. (A) Each school district that in 1999 was declared to be in a state of academic emergency, under an academic watch, or in need of continuous improvement under section 3302.03 of the Revised Code and that is projected to receive any parity aid payments under section 3317.0217 of the Revised Code for either of the two fiscal years beginning July 1, 2001, or July 1, 2002, shall amend its continuous improvement plan required under section 3302.04 of the Revised Code to include a budget for expending the parity aid for either of those two fiscal years that the district is projected to receive such aid. For each year included in the budget, the district shall allocate the full amount of projected parity aid among one or more of the following:

aterials, textbooks, or technology;

(2) Lowering the teacher/student ratios in additional classrooms;

(3) Providing additional advanced curriculum opportunities;

(4) Providing additional electives or required courses for graduation;

(5) Increasing the number of days of professional development;

(6) Providing all-day kindergarten to more students;

(7) Providing preschool to more students;

(8) Providing additional programming and services for special student populations such as gifted, disadvantaged, or disabled students;

(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.

(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:

(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.

(2) How the proposed expenditure is expected to enhance the district's continuous improvement plan, improve the district's academic success, and promote the district's achievement of the standard unit of improvement required by the department of education under rules adopted pursuant to section 3302.04 of the Revised Code.

(C) A copy of each amended continuous improvement plan required to contain a budget under this section shall be submitted to the department by September 1, 2001. The department, beginning July 1, 2002, shall assess a random sampling of the districts in each of fiscal years 2003 and 2004 to determine whether the district did in fact make the expenditures included in its proposed parity aid budget during the preceding fiscal year.

(D) If in either year, the department finds that a district did not spend its preceding year's parity aid funds in the manner specified in the budget for that year, it shall notify the state board of education of its findings and shall subtract the amount of any parity aid funds not spent in the manner specified in the budget from any parity aid otherwise due to the district under section 3317.0217 of the Revised Code in the current fiscal year. If payments are reduced to any district under this division, the department shall continue to assess the expenditures of such district in each ensuing year and shall continue to make deductions in accordance with this section until such year

as the district is found to be in compliance with this section.

(E) Whenever the department reexamines the status of school districts under division (A) of section 3302.03 of the Revised Code, it shall require all districts expected to receive parity aid payments and determined either to need continuous improvement, be under an academic watch, or be in a state of academic emergency to submit their three-year continuous improvement plans to the department and to include as an integral part of such plans, budgets meeting the requirements of divisions (A) and (B) of this section. The department shall annually assess a random sampling of all such districts and withhold parity aid payments from noncomplying districts in the same manner as required under divisions (C) and (D) of this section.

(F) At any time, for good cause and with the approval of the department, a school district may amend a budget adopted under this section. Any such amendment, however, shall provide that any parity aid payments the district proposes not to spend on one of the items listed in division (A) of this section are instead reallocated to other items listed in such division.

(G) The superintendent of public instruction may authorize a school district to spend parity aid payments for a purpose not listed in division (A) of this section upon request of the district if the superintendent finds either:

(1) That the proposed alternative use of parity aid would contribute to the accomplishment of one or more of the goals of the district's continuous improvement plan;

(2) That the alternative use of parity aid is necessary to eliminate a risk to the health and safety of the district's students.

Sec. 3303.01. Except when utilized in Chapter 3311. of the Revised Code, whenever the term vocational education occurs anywhere in the Revised Code, it shall be deemed to refer to career-technical education, except that joint vocational school districts shall continue to be styled as and shall maintain their legal existence as either joint vocational school districts or vocational school districts pursuant to section 3311.01.

Sec. 3305.061. Notwithstanding section 171.07 and division (D) of section 3305.06 of the Revised Code, the percentage of an electing employee's compensation contributed by a public institution of higher education under division (D) of section 3305.06 of the Revised Code shall not exceed the percentage of compensation transferred under section 145.87, 3307.84, or 3309.88 of the Revised Code, as appropriate, by the state retirement system that otherwise applies to the electing employee's position. A change in the percentage of compensation contributed under division (D) of section 3305.06 of the Revised Code, as required by this section, shall take effect on the same day a change in the percentage of compensation

takes effect under section 145.87, 3307.84, or 3309.88 of the Revised Code, as appropriate.

Sec. 3307.05. The state teachers retirement board shall consist of the following nine members:

(A) The superintendent of public instruction;

(B) The auditor of state;

(C) The attorney general;

(D) Five members, known as teacher members, who shall be members of the state teachers retirement system;

(E) A former member of the system, known as the retired teacher member, who shall be a superannuate and who is not otherwise employed in a position requiring the retired teacher member to make contributions to the system.

Sec. 3311.057. (A) Any educational service center that is formed by merging two or more educational service centers or former county school districts after July 1, 1995, but prior to July 1, ~~1999~~ 2003, may determine the number of members of its governing board ~~of education~~ and whether the members are to be elected at large or by subdistrict, provided each board shall have an odd number of members.

(B) If an educational service center described in division (A) of this section is formed on or after the effective date of this section, the governing board ~~of education~~ of each service center that is merging to form the new service center shall include identical provisions for electing the new service center's governing board in its resolution adopted pursuant to division (A) of section 3311.053 of the Revised Code. If there is any transition period between the effective date of the merger of the service centers and the assumption of control of the new service center by the new board, the resolutions shall include provisions for an interim governing board which shall be appointed to govern the service center until the time the new board is elected and assumes control of the service center.

(C) If an educational service center described in division (A) of this section was formed prior to the effective date of this section, the governing board of the service center may adopt at any time prior to July 1, ~~1999~~ 2003, a resolution setting forth provisions for changing the number of members and the manner of electing its board and provisions for any transitional period between the abolition of the existing board and the assumption of control by the new board.

(D) Any provisions for electing a governing board adopted pursuant to division (B) or (C) of this section may provide for the election of members at large, may provide for the establishment of subdistricts within the district,

or may require some members to be elected at large and some to be elected from subdistricts. If subdistricts are included, the resolutions shall specify the manner in which their boundaries are to be drawn. The provisions shall attempt to ensure that each elected member of the board represents an equal number of residents of the service center. To accomplish this, any subdistrict containing a multiple of the number of electors in another subdistrict, may elect at-large within that subdistrict, a number of board members equal to the multiple that its population is of the population of the other subdistrict.

(E) The provisions for selecting board members set forth in the latest resolution adopted pursuant to division (B) or (C) of this section prior to July 1, ~~1999~~ 2003, shall remain the method of electing ~~school~~ board members within that educational service center.

Sec. 3311.058. Notwithstanding anything to the contrary in Section 45.32 of Am. Sub. H.B. 117 of the 121st General Assembly, 146 Ohio Laws 900, 1805, as subsequently amended, or in Chapter 3311. of the Revised Code, no educational service center shall be required to merge in order to achieve any prescribed minimum average daily membership if such a merger will cause the territory of the resultant joint educational service center to comprise more than eight hundred square miles.

Sec. 3311.062. Notwithstanding anything prohibiting the existence of school districts with noncontiguous territory in section 3311.06 or 3311.37 of the Revised Code or in any other section of this chapter, a new school district may be formed under this chapter after the effective date of this section from the territory of noncontiguous school districts, provided that the board of education of any school district containing territory lying between the noncontiguous portions of such a new school district adopts a resolution approving the establishment of the new district.

Sec. 3313.201. (A) The board of education of each school district shall procure a policy or policies of insurance insuring officers, employees, and pupils of the school district against liability on account of damage or injury to persons and property, including insurance on vehicles operated under a course in drivers education certified by the state department of education and including liability on account of death or accident by wrongful act, occasioned by the operation of a motor vehicle, motor vehicles with auxiliary equipment, or all self-propelling equipment or trailers owned or operated by the school district. Each board of education may supplement ~~said~~ the policy or policies of insurance with collision, medical payments, comprehensive, and uninsured motorists insurance. Before procuring such insurance each board of education shall adopt a resolution setting forth the amount of insurance to be purchased, the necessity ~~thereof~~ of the insurance,

together with a statement of ~~the~~ its estimated premium cost ~~thereon~~. Insurance procured pursuant to this section shall be from one or more recognized insurance companies authorized to do business in this state.

(B) This section shall not be construed to affect the ability of any school district to establish and maintain self-insurance programs under the authority conferred by any other section of the Revised Code. Such programs may be established and maintained in combination with, or as an alternative to, any policy or policies of insurance procured under division (A) of this section.

Sec. 3313.37. (A)(1) The board of education of any city, local, or exempted village school district may build, enlarge, repair, and furnish the necessary schoolhouses, purchase or lease sites therefor, or rights-of-way thereto, or purchase or lease real estate to be used as playgrounds for children or rent suitable schoolrooms, either within or without the district, and provide the necessary apparatus and make all other necessary provisions for the schools under its control. ~~The governing board of any educational service center may build, enlarge, repair, and furnish the necessary facilities for conducting special education programs and driver education courses, purchase or lease sites therefor, or rights of way thereto, or purchase or lease real estate or rent suitable facilities to be used for such purposes and provide the necessary apparatus and make all other necessary provisions for such facilities as are under its control.~~

(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.

(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.

(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 option to purchase, provided that if the purchase price is to be paid over a period of time, such payments shall not extend for a period of more than five years. A special tax levy may be authorized by the voters of the school district in accordance with section 5705.21 of the Revised Code to provide a special fund to meet the future time payments.

(2) For the purposes of section 5705.21 of the Revised Code, acquisition of land under the provisions of this division shall be considered a necessary requirement of the school district.

(3) Boards of education of city, local, and exempted village school districts may acquire federal land at a discount by a lease-purchase agreement for use as a site for the construction of educational facilities or for other related purposes. External administrative and other costs pertaining to the acquisition of federal land at a discount may be paid from funds available to the school district for operating purposes. Such boards of education may also acquire federal land by lease-purchase agreements, by negotiation, or otherwise.

(4) As used in this division:

(a) "Office equipment" includes but is not limited to typewriters, copying and duplicating equipment, and computer and data processing equipment.

(b) "Software for instructional purposes" includes computer programs usable for computer assisted instruction, computer managed instruction, drill and practice, and problem simulations.

A board of education or governing board of an educational service center may acquire the necessary office equipment, and computer hardware and software for instructional purposes, for the schools under its control by purchase, by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase. In the case of a city, exempted village, or local school district, if the purchase price is to be paid over a period of time, the contract setting forth the terms of such purchase shall be considered a continuing contract pursuant to section 5705.41 of the Revised Code. Payments shall not extend for a period of more than five years. Costs relating to the acquisition of necessary apparatus may be paid

from funds available to the school district or educational service center for operating purposes.

(5) A board of education or governing board of an educational service center may acquire the necessary equipment for the maintenance or physical upkeep of facilities and land under its control by entering into lease-purchase agreements. If payments under the lease-purchase agreement are to be made over a period of time, the agreement shall be considered a continuing contract pursuant to section 5705.41 of the Revised Code, and such payments shall not extend for a period of more than five years.

Sec. 3313.41. (A) Except as provided in divisions (C), (D), ~~and (F)~~, and (G) of this section, when a board of education decides to dispose of real or personal property that it owns in its corporate capacity, and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation or by posting notices in five of the most public places in the school district in which the property, if it is real property, is situated, or, if it is personal property, in the school district of the board of education that owns the property. The board may offer real property for sale as an entire tract or in parcels.

(B) When the board of education has offered real or personal property for sale at public auction at least once pursuant to division (A) of this section, and the property has not been sold, the board may sell it at a private sale. Regardless of how it was offered at public auction, at a private sale, the board shall, as it considers best, sell real property as an entire tract or in parcels, and personal property in a single lot or in several lots.

(C) If a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it may sell the property to the adjutant general; to any subdivision or taxing authority as respectively defined in divisions (A) and (C) of section 5705.01 of the Revised Code, township park district, board of park commissioners established under Chapter 755. of the Revised Code, or park district established under Chapter 1545. of the Revised Code; to a wholly or partially tax-supported university, university branch, or college; or to the board of trustees of a school district library, upon such terms as are agreed upon. The sale of real or personal property to the board of trustees of a school district library is limited, in the case of real property, to a school district library within whose boundaries the real property is situated, or, in the case of personal property, to a school district library whose boundaries lie in whole or in part within the school district of the selling board of education.

(D) When a board of education decides to trade as a part or an entire consideration, an item of personal property on the purchase price of an item of similar personal property, it may trade the same upon such terms as are agreed upon by the parties to the trade.

(E) The president and the treasurer of the board of education shall execute and deliver deeds or other necessary instruments of conveyance to complete any sale or trade under this section.

(F) When a board of education has identified a parcel of real property that it determines is needed for school purposes, the board may, upon a majority vote of the members of the board, acquire that property by exchanging real property that the board owns in its corporate capacity for the identified real property or by using real property that the board owns in its corporate capacity as part or an entire consideration for the purchase price of the identified real property. Any exchange or acquisition made pursuant to this division shall be made by a conveyance executed by the president and the treasurer of the board.

(G) When a school district board of education decides to dispose of real property suitable for use as classroom space, prior to disposing of such property under division (A) through (F) of this section, it shall first offer that property for sale to the governing authorities of the start-up community schools, established under Chapter 3314. of the Revised Code and located within the territory of the school district, at a price that is not higher than the appraised fair market value of that property. If more than one community school governing authority accepts the offer made by the school district board, the board shall sell the property to the governing authority that accepted the offer first in time. If no community school governing authority accepts the offer within sixty days after the offer is made by the school district board, the board may dispose of the property in the applicable manner prescribed under divisions (A) to (F) of this section.

Sec. 3313.603. (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, the requirements for graduation from every high school shall include ~~twenty-one~~ twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

- (2) Health, one-half unit;
- (3) Mathematics, three units;
- (4) Physical education, one-half unit;
- (5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:
 - (a) Biological sciences, one unit;
 - (b) Physical sciences, one unit.
- (6) Social studies, three units, which shall include both of the following:
 - (a) American history, one-half unit;
 - (b) American government, one-half unit.
- (7) Elective units, ~~eight~~ seven units until September 15, 2003, and ~~seven~~ six units thereafter.

Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.

(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:

(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:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at

least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(8) "Child," unless otherwise indicated, includes handicapped preschool children.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as follows:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, tuition shall be paid in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or

person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(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 (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or

city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of

the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be

admitted to the schools of the district where the child's parent is employed, or in the case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school

year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

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:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (F) of section 3317.023 of the Revised Code equal to

its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction 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;

(b) Failure to meet generally accepted standards of fiscal management;

(c) Violation of any provision of the contract or applicable state or federal law;

(d) Other good cause.

~~A termination shall be effective only at the conclusion of a school year.~~

(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.

(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.

(3)(4) A decision by the sponsor to terminate a contract may be appealed to the state board of education. The decision by the state board pertaining to an appeal under this division is final. If the sponsor is the state board, its decision to terminate a contract under division (B)(4) of this section shall be final.

(5) The termination of a contract under this section shall be effective upon the occurrence of the later of the following events:

(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;

(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.

(C) A child attending a community school whose contract has been terminated ~~or~~, nonrenewed, or suspended 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.

(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:

(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;

(2) An action or omission of the community school or any of its officers, directors, or employees that results in harm.

(E) As used in this section:

(1) "Harm" means injury, death, or loss to person or property.

(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.

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.

(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.

(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.

(C)(1) For any of the reasons prescribed in division (B)(1)(a) to (d) of section 3314.07 of the Revised Code, the sponsor of a community school established under this chapter may suspend the operation of the school only if it first issues to the governing authority notice of the sponsor's intent to suspend the operation of the contract. Such notice shall explain the reasons for the sponsor's intent to suspend operation of the contract and shall provide the school's governing authority with five business days to submit to the sponsor a proposal to remedy the conditions cited as reasons for the

suspension.

(2) The sponsor shall promptly review any proposed remedy timely submitted by the governing authority and either approve or disapprove the remedy. If the sponsor disapproves the remedy proposed by the governing authority, if the governing authority fails to submit a proposed remedy in the manner prescribed by the sponsor, or if the governing authority fails to implement the remedy as approved by the sponsor, the sponsor may suspend operation of the school pursuant to procedures set forth in division (D) of this section.

(D)(1) If division (B) of this section applies or if the sponsor of a community school established under this chapter decides to suspend the operation of a school as permitted in division (C)(2) of this section, the sponsor shall promptly send written notice to the governing authority stating that the operation of the school is immediately suspended, and explaining the specific reasons for the suspension. The notice shall state that the governing authority has five business days to submit a proposed remedy to the conditions cited as reasons for the suspension or face potential contract termination.

(2) Upon receipt of the notice of suspension prescribed under division (D)(1) of this section, the governing authority shall immediately notify the employees of the school and the parents of the students enrolled in the school of the suspension and the reasons therefore, and shall cease all school operations on the next business day.

Sec. 3314.08. (A) As used in this section:

(1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

(2) "Cost-of-doing-business factor" has the same meaning as in section 3317.02 of the Revised Code.

(3) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.

(4) "Applicable special education weight" means:

~~(a) For a student receiving special education and related services pursuant to an IEP for a handicap described in division (A) of section 3317.013 of the Revised Code, the multiple specified in that division;~~

~~(b) For a student receiving 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, the multiple specified in division (B) of for a handicap described in that section 3317.013 of the Revised Code.~~

(5) "~~Total special education weight~~" means the sum of the following:

~~(a) The number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in grades one through twelve in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (A) of section 3317.013 of the Revised Code, multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code;~~

~~(b) One-half the number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in kindergarten in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (A) of section 3317.013 of the Revised Code, multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code;~~

~~(c) The number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in grades one through twelve in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code;~~

~~(d) One-half the number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in kindergarten in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code~~
"Applicable vocational education weight" means:

(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;

(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.

(6) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.

(7) A community school student is "included in the DPIA student count" of a school district if the student is entitled to attend school in the district

d:

(a) For school years prior to fiscal year 2004, the student's family receives assistance under the Ohio works first program.

(b) For school years in and after fiscal year 2004, the student's family income does not exceed the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, and the student's family receives family assistance, as defined in section 3317.029 of the Revised Code.

(8) "DPIA reduction factor" means the percentage figure, if any, for reducing the per pupil amount of disadvantaged pupil impact aid a community school is entitled to receive pursuant to divisions (D)~~(4)~~(5) and ~~(5)~~(6) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

~~(8)~~(9) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school 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;

~~(g)~~(h) Any DPIA reduction factor that applies to a school year.

(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:

(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.

~~(2) The product of the number of district students reported under division (B)(2)(e) 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:~~

(a) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in a community school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, the product of the applicable special education weight times the community school's base formula amount;

(b) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in kindergarten in a community school and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, one-half of the amount calculated as prescribed in division (C)(2)(a) of this section.

(3) For each of the district's students reported under division (B)(2)(d) of this section for whom payment is made under division (D)(4) of this section, the amount of that payment;

(4) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students enrolled in that community school ~~and residing in the district in a family participating in Ohio works first under Chapter 5107. of the Revised Code~~ 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, 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 one-half of the kindergarten students in the school, reported under divisions (B)(2)(a) and (b) of this section who are not receiving special education and related services pursuant to an IEP for a handicap described in ~~division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02~~ of the Revised Code is multiplied by the community school's base formula amount, as adjusted by the cost-of-doing-business factor of the school district in which the student is entitled to attend school;

(2) The greater of the following:

(a) The aggregate amount that the department paid to the community school in fiscal year 1999 for students receiving special education and related services pursuant to IEPs, excluding federal funds and state disadvantaged pupil impact aid funds;

(b) The sum of the amounts calculated under divisions (D)(2)(b)(i) and (ii) of this section:

(i) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in ~~division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02~~ of the Revised Code, the following amount:

(the community school's base formula amount X the cost-of-doing-business factor of the district where the student is entitled to attend school) + (the applicable special education weight X the community school's base formula amount);

(ii) For each student reported under division (B)(2)(c) of this section as enrolled in kindergarten and receiving special education and related services pursuant to an IEP for a handicap described in ~~division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02~~ of the Revised Code, one-half of the amount calculated under the formula prescribed in division (D)(2)(b)(i) of this section.

(3) An amount received from federal funds to provide special education and related services to students in the community school, as determined by the superintendent of public instruction.

(4) For each student reported under division (B)(2)(d) of this section as enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public

instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education programs or classes.

(5) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school ~~and participating in Ohio works first who are included in the district's DPIA student count~~ is multiplied by the per pupil amount of disadvantaged pupil impact aid that school district receives that year pursuant to division (B) or (C) of section 3317.029 of the Revised Code, as adjusted by any DPIA reduction factor of the community school. The per pupil amount of aid shall be determined as described in division (C)~~(3)~~(4) of this section.

~~(5)~~(6) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, 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 shall be determined as described in division (C)~~(4)~~(5) of this section.

(E)(1) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a handicap described in ~~division~~ divisions (B) to (F)~~(3)~~ of section ~~3317.02~~ 3317.013 of the Revised Code ~~are twenty-five thousand dollars or more exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code,~~ the school may submit to the superintendent of public instruction documentation, as

prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of ~~twenty-five thousand dollars~~ the threshold catastrophic costs.

(2) The community school 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.

(F) A community school may apply to the department of education for preschool handicapped or gifted unit funding the school would receive if it were a school district. Upon request of its governing authority, a community school that received unit funding as a school district-operated school before it became a community school shall retain any units awarded to it as a school district-operated school provided the school continues to meet eligibility standards for the unit.

A community school shall be considered a school district and its governing authority shall be considered a board of education for the purpose of applying to any state or federal agency for grants that a school district may receive under federal or state law or any appropriations act of the general assembly. The governing authority of a community school may apply to any private entity for additional funds.

(G) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school.

(H) A community school may not levy taxes or issue bonds secured by tax revenues.

(I) No community school shall charge tuition for the enrollment of any student.

(J)(1) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (D) of this section. The school may issue notes to evidence such borrowing to mature no later than the end of the fiscal year in which such money was borrowed. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(2) A school may also borrow money for a term not to exceed fifteen

years for the purpose of acquiring facilities, as described in division (B) of section 3318.50 of the Revised Code.

(K) For purposes of determining the number of students for which divisions (D)~~(4)~~~~(5)~~ and ~~(5)~~~~(6)~~ of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of information readily available to it. Upon making this determination and no later than ninety days after submission of the list by the community school, the department shall report to the state department of education the number of students on the list who reside in each school district who were included in the department's report under section 3317.10 of the Revised Code. In complying with this division, the department of job and family services shall not report to the state department of education any personally identifiable information on any student.

(L) The department of education shall adjust the amounts subtracted and paid under divisions (C) and (D) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. For purposes of this section, a student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(M) The department of education shall reduce the amounts paid under division (D) of this section to reflect payments made to colleges under division (B) of section 3365.07 of the Revised Code.

(N) Beginning with the school year that starts on July 1, 2001, in accordance with policies adopted jointly by the superintendent of public instruction, the auditor of state, and the sponsor of the applicable internet-based community school, the department shall reduce the amounts otherwise payable under division (D) of this section to any internet or computer-based community school that includes in its program the provision of computer hardware and software materials to each student, if such hardware and software materials have not been delivered, installed, and activated for all students in a timely manner or other educational materials

or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction, the auditor of state, and the individual community school's sponsor shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, sponsors of internet-based community schools, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such internet or computer-based schools.

Sec. 3314.09. (A) As used in this section and section 3314.091 of the Revised Code, "native student" means a student entitled to attend school in the school district under section 3313.64 or 3313.65 of the Revised Code.

~~The~~ (B) Except as provided in section 3314.091 of the Revised Code, the board of education of each city, local, and exempted village school district shall provide transportation to and from school for its district's native students enrolled in a community school located in that district or another district on the same basis that it provides transportation for its native students enrolled in schools to which they are assigned by the board of education at the same grade level and who live the same distance from school except when, in the judgment of the board, confirmed by the state board of education, the transportation is unnecessary or unreasonable. A board shall not be required to transport nonhandicapped students to and from a community school located in another school district if the transportation would require more than thirty minutes of direct travel time as measured by school bus from the collection point designated by the district's coordinator of school transportation.

(C) Where it is impractical to transport a pupil to and from a community school by school conveyance, a board may, in lieu of providing the transportation, pay a parent, guardian, or other person in charge of the child. The amount paid per pupil shall in no event exceed the average transportation cost per pupil, which shall be based on the cost of transportation of children by all boards of education in this state during the next preceding year.

der this section shall provide the transportation in accordance with those schedules so that students may be present on time and at all times that the community school is open for instruction.

Sec. 3314.091. (A) A school district is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. For any such agreement to be effective, it must be certified by the superintendent of public instruction as having met both of the following requirements:

(1) It is submitted to the department of education by a deadline which shall be established by the department.

(2) It specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged.

(B)(1) A community school governing board that enters into an agreement to provide transportation under this section shall provide or arrange transportation free of any charge for each of its enrolled students in grades kindergarten through eight who live more than two miles from the school, except that the governing board may make a payment in lieu of providing transportation to the parent, guardian, or person in charge of the student at the same rate as specified for a school district board in division (C) of section 3314.09 of the Revised Code if the drive time measured by the vehicle specified by the school for transporting the students from the student's residence to the school is more than thirty minutes. The governing board may provide or arrange transportation for any other enrolled student and may charge a fee for such service. The governing board may request the payment specified under division (C) of this section for any student it transports, for whom it arranges transportation, or for whom it makes a payment in lieu of providing transportation if the student lives more than one mile from the community school or is disabled and the individual education program requires transportation.

(2) Notwithstanding anything to the contrary in division (B)(1) of this section, a community school governing board shall provide or arrange transportation free of any charge for any disabled student enrolled in the school for whom the student's individualized education program developed under Chapter 3323. of the Revised Code specifies transportation.

(C)(1) If a school district board and a community school governing authority elect to enter into an agreement under this section, the department of education annually shall pay the community school the amount specified

in division (C)(2) of this section for each of the enrolled students for whom the school's governing authority provides or arranges transportation to and from school. The department shall deduct the payment from the state payment under Chapter 3317. and, if necessary, sections 321.14 and 323.156 of the Revised Code that is otherwise paid to the school district in which the student enrolled in the community school resides. The department shall include the number of the district's native students for whom payment is made to a community school under this division in the calculation of the district's transportation payment under division (D) of section 3317.022 of the Revised Code.

A community school shall be paid under this division only for students who live more than one mile from the school 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.

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.

(2) The payment to a community school governing authority under this section for each student who lives more than one mile from the school or who is disabled and whose individualized education program requires transportation and for whom the school actually provides or arranges transportation or makes a payment in lieu of providing transportation, shall be made according to the following schedule:

(a) In fiscal year 2002, four-hundred fifty dollars per student;

(b) In fiscal year 2003 and every fiscal year thereafter, the amount specified in division (C)(2)(a) of this section multiplied by the negative or positive percentage of change reported in the consumer price index (all urban consumers, transportation) by the bureau of labor statistics of the United States department of labor from the beginning of the calendar year that ended just prior to the beginning of the fiscal year to the end of that calendar year.

(D) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections 3313.201, 3327.09, and 3327.10 and division (B) of section 3327.16 of the Revised Code as if it were a school district. For purposes of complying with section 3327.10 of the Revised Code, the educational service center that serves the county in which the community school is located shall be the certifying agency, unless the agreement designates the school district as the certifying agency.

Sec. 3316.20. (A)(1) The school district solvency assistance fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be used to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that they are unable to pay from existing resources.

(2) There is hereby created within the fund an account known as the school district shared resource account, which shall consist of money appropriated to it by the general assembly. The money in the account shall be used solely for solvency assistance to school districts that have been declared under division (B)~~(4) or (5)~~ of section 3316.03 of the Revised Code to be in a state of fiscal emergency ~~because of a certified operating deficit exceeding ten per cent.~~

(3) There is hereby created within the fund an account known as the catastrophic expenditures account, which shall consist of money appropriated to the account by the general assembly plus all investment earnings of the fund. Money in the account shall be used solely for the following:

(a) Solvency assistance to school districts that have been declared under division (B)~~(4) or (5)~~ of section 3316.03 of the Revised Code to be in a state of fiscal emergency ~~because of a certified operating deficit exceeding ten per cent,~~ in the event that all money in the shared resource account is utilized for solvency assistance;

(b) Grants to school districts under division (C) of this section.

(B) Solvency assistance payments under division (A)(2) or (3)(a) of this

section shall be made from the fund by the superintendent of public instruction in accordance with rules adopted by the director of budget and management, after consulting with the superintendent, specifying approval criteria and procedures necessary for administering the fund.

The fund shall be reimbursed for any solvency assistance amounts paid under division (A)(2) or (3)(a) of this section not later than the end of the second fiscal year following the fiscal year in which the solvency assistance payment was made. If not made directly by the school district, such reimbursement shall be made by the director of budget and management from the amounts the school district would otherwise receive pursuant to sections 3317.022 to 3317.025 of the Revised Code, or from any other funds appropriated for the district by the general assembly. Reimbursements shall be credited to the respective account from which the solvency assistance paid to the district was deducted.

(C) The superintendent of public instruction may make recommendations, and the controlling board may grant money from the catastrophic expenditures account to any school district that suffers an unforeseen catastrophic event that severely depletes the district's financial resources. The superintendent shall make recommendations for the grants in accordance with rules adopted by the director of budget and management after consulting with the superintendent. A school district shall not be required to repay any grant awarded to the district under this division unless the district receives money from a third party, including an agency of the government of the United States, specifically for the purpose of compensating the district for expenses incurred as a result of the unforeseen catastrophic event.

Sec. 3317.01. As used in this section and section 3317.011 of the Revised Code, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or cooperative education school district and any educational service center.

This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

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

dequate 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 instruction with pupils in attendance, for individualized parent-teacher conference and reporting periods, and for professional meetings of teachers. This requirement shall be waived by the superintendent of public instruction if it had been necessary for a school to be closed because of disease epidemic, hazardous weather conditions, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, provided that for those school districts operating pursuant to section 3313.48 of the Revised Code the number of days the school was actually open for instruction with pupils in attendance and for individualized parent-teacher conference and reporting periods is not less than one hundred seventy-five, or for those school districts operating on a trimester plan the number of days the school was actually open for instruction with pupils in attendance not less than seventy-nine days in any trimester, for those school districts operating on a quarterly plan the number of days the school was actually open for instruction with pupils in attendance not less than fifty-nine days in any quarter, or for those school districts operating on a pentamester plan the number of days the school was actually open for instruction with pupils in attendance not less than forty-four days in any pentamester.

A school district shall not be considered to have failed to comply with this division or section 3313.481 of the Revised Code because schools were open for instruction but either twelfth grade students were excused from attendance for up to three days or only a portion of the kindergarten students were in attendance for up to three days in order to allow for the gradual orientation to school of such students.

The superintendent of public instruction shall waive the requirements of this section with reference to the minimum number of days or hours school must be in session with pupils in attendance for the school year succeeding the school year in which a board of education initiates a plan of operation pursuant to section 3313.481 of the Revised Code. The minimum requirements of this section shall again be applicable to such a district beginning with the school year commencing the second July succeeding the

initiation of one such plan, and for each school year thereafter.

A school district shall not be considered to have failed to comply with this division or section 3313.48 or 3313.481 of the Revised Code because schools were open for instruction but the length of the regularly scheduled school day, for any number of days during the school year, was reduced by not more than two hours due to hazardous weather conditions.

(C) The school district has on file, and is paying in accordance with, a teachers' salary schedule which complies with section 3317.13 of the Revised Code.

A board of education or governing board of an educational service center which has not conformed with other law and the rules pursuant thereto, shall not participate in the distribution of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of the Revised Code, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board.

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only.

Sec. 3317.012. (A)(1) The general assembly, having analyzed school district expenditure and cost data for fiscal year ~~1996~~ 1999, performed the calculation described in division (B) of this section, ~~and~~ adjusted the results for inflation, and added the amounts described in division (A)(2) of this section, hereby determines that the base cost of an adequate education per pupil for the fiscal year beginning July 1, ~~1998~~ 2001, is ~~\$4,063~~ \$4,814. For the five following fiscal years, the base cost per pupil for each of those years, reflecting an annual rate of inflation of two and eight-tenths per cent, is ~~\$4,177~~ \$4,949 for fiscal year ~~2000~~ 2003, ~~\$4,294~~ \$5,088 for fiscal year ~~2001~~ 2004, ~~\$4,414~~ \$5,230 for fiscal year ~~2002~~ 2005, ~~\$4,538~~ \$5,376 for fiscal year ~~2003~~ 2006, and ~~\$4,665~~ \$5,527 for fiscal year ~~2004~~ 2007.

(2) The base cost per pupil amounts specified in division (A)(1) of this section include amounts to reflect the cost to school districts of increasing the minimum number of high school academic units required for graduation beginning September 15, 2001, under section 3313.603 of the Revised Code. Analysis of fiscal year 1999 data revealed that the school districts meeting the requirements of division (B) of this section on average required high school students to complete a minimum of nineteen and eight-tenths units to graduate. The general assembly determines that the cost of funding the additional two-tenths unit required by section 3313.603 of the Revised Code is \$12 per pupil in fiscal year 2002. This amount was added after the calculation described in division (B) of this section and the adjustment for

inflation from fiscal year 1999 to fiscal year 2002. It is this total amount, the calculated base cost plus the supplement to pay for the additional partial unit, that constitutes the base cost amount specified in division (A)(1) of this section for fiscal year 2002 and that is inflated to produce the base cost amounts for fiscal years 2003 through 2007.

(B) In determining the base cost stated in division (A) of this section, capital and debt costs, costs paid for by federal funds, and costs covered by funds provided pursuant to sections 3317.023 and 3317.024 of the Revised Code as they existed prior to July 1, 1998, for disadvantaged pupil impact aid and transportation were excluded, as were the effects on the districts' state funds of the application of the cost-of-doing-business factors, assuming ~~an eighteen~~ a seven and one-half per cent variance.

The base cost for fiscal year ~~1996~~ 1999 was calculated as the unweighted average cost per student, on a school district basis, of educating students who were not receiving vocational education or services pursuant to Chapter 3323. of the Revised Code and who were enrolled in a city, exempted village, or local school district that in fiscal year ~~1994~~ 1999 met all of the following criteria:

(1) The district met at least ~~all but one~~ twenty of the following twenty-seven performance standards:

(a) ~~A three~~ ninety per cent or ~~lower dropout~~ higher graduation rate;

(b) At least seventy-five per cent of fourth graders proficient on the mathematics test prescribed under division (A)(1) of section 3301.0710 of the Revised Code;

(c) At least seventy-five per cent of fourth graders proficient on the reading test prescribed under division (A)(1) of section 3301.0710 of the Revised Code;

(d) At least seventy-five per cent of fourth graders proficient on the writing test prescribed under division (A)(1) of section 3301.0710 of the Revised Code;

(e) At least seventy-five per cent of fourth graders proficient on the citizenship test prescribed under division (A)(1) of section 3301.0710 of the Revised Code;

(f) At least seventy-five per cent of fourth graders proficient on the science test prescribed under division (A)(1) of section 3301.0710 of the Revised Code;

(g) At least seventy-five per cent of sixth graders proficient on the mathematics test prescribed under division (A)(2) of section 3301.0710 of the Revised Code;

(h) At least seventy-five per cent of sixth graders proficient on the

reading test prescribed under division (A)(2) of section 3301.0710 of the Revised Code;

(i) At least seventy-five per cent of sixth graders proficient on the writing test prescribed under division (A)(2) of section 3301.0710 of the Revised Code;

(j) At least seventy-five per cent of sixth graders proficient on the citizenship test prescribed under division (A)(2) of section 3301.0710 of the Revised Code;

(k) At least seventy-five per cent of sixth graders proficient on the science test prescribed under division (A)(2) of section 3301.0710 of the Revised Code;

(l) At least seventy-five per cent of ninth graders proficient on the mathematics test prescribed under ~~former division (B) of section 3301.0710 of the Revised Code~~ Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;

~~(g)(m)~~ At least seventy-five per cent of ninth graders proficient on the reading test prescribed under ~~former division (B) of section 3301.0710 of the Revised Code~~ Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;

~~(h)(n)~~ At least seventy-five per cent of ninth graders proficient on the writing test prescribed under ~~former division (B) of section 3301.0710 of the Revised Code~~ Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;

~~(i)(o)~~ At least seventy-five per cent of ninth graders proficient on the citizenship test prescribed under ~~former division (B) of section 3301.0710 of the Revised Code~~ Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;

~~(j)(p)~~ At least seventy-five per cent of ninth graders proficient on the science test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;

(q) At least eighty-five per cent of tenth graders proficient on the mathematics test prescribed under ~~former division (B) of section 3301.0710 of the Revised Code~~ Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;

~~(k)(r)~~ At least eighty-five per cent of tenth graders proficient on the reading test prescribed under ~~former division (B) of section 3301.0710 of the Revised Code~~ Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;

~~(l)(s)~~ At least eighty-five per cent of tenth graders proficient on the writing test prescribed under ~~former division (B) of section 3301.0710 of the Revised Code~~ Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;

~~(m)~~(t) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed under former division (B) of section 3301.0710 of the Revised Code Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;

~~(n)~~(u) At least eighty-five per cent of tenth graders proficient on the science test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;

(v) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;

~~(o)~~(w) At least sixty per cent of twelfth graders proficient on the reading test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;

~~(p)~~(x) At least sixty per cent of twelfth graders proficient on the writing test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;

~~(q)~~(y) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;

~~(r)~~(z) At least sixty per cent of twelfth graders proficient on the science test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;

(aa) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.

In determining whether a school district met any of the performance standards specified in divisions (B)(1)(a) to (aa) of this section, the general assembly used a rounding procedure previously recommended by the department of education. It is the same rounding procedure the general assembly used in 1998 to determine whether a district had met the standards of former divisions (B)(1)(a) to (r) of this section for purposes of constructing the previous model based on fiscal year 1996 data.

(2) The district was not among the ~~ten~~ five per cent of all districts with the highest income factors, as defined in section 3317.02 of the Revised Code, nor among the ~~ten~~ five per cent of all districts with the lowest income factors.

(3) The district was not among the five per cent of all districts with the highest valuation per pupil in ADM, as reported under division (A) of section 3317.03 of the Revised Code as it existed prior to July 1, 1998, nor among the five per cent of all districts with the lowest valuation per pupil.

This model for calculating the base cost of an adequate education is

expenditure-based. The general assembly recognizes that increases in state funding to school districts since fiscal year 1996, the fiscal year upon which the general assembly based its model for calculating state funding to school districts for fiscal years 1999 through 2001, has increased school district base cost expenditures for fiscal year 1999, the fiscal year upon which the general assembly based its model for calculating state funding for fiscal years 2002 through 2007. In the case of school districts included in the fiscal year 1999 model that also had met the fiscal year 1996 performance criteria of former division (B)(1) of this section, the increased state funding may have driven the districts' expenditures beyond the expenditures that were actually needed to maintain their educational programs at the level necessary to maintain their ability to meet the fiscal year 1999 performance criteria of current division (B)(1) of this section. The general assembly has determined to control for this effect by stipulating in the later model that the fiscal year 1999 base cost expenditures of the districts that also met the performance criteria of former division (B)(1) of this section equals their base cost expenditures per pupil for fiscal year 1996, inflated to fiscal year 1999 using an annual rate of inflation of two and eight-tenths per cent. However, if this inflated amount exceeded the district's actual fiscal year 1999 base cost expenditures per pupil, the district's actual fiscal year 1999 base cost expenditures per pupil were used in the calculation. For districts in the 1999 model that did not also meet the performance criteria of former division (B)(1) of this section, the actual 1999 base cost per pupil expenditures were used in the calculation of the average district per pupil costs of the model districts.

(C) In July of ~~2000~~ 2005, and in July of every six years thereafter, the speaker of the house of representatives and the president of the senate shall each appoint three members to a committee to reexamine the cost of an adequate education. No more than two members from any political party shall represent each house. The director of budget and management and the superintendent of public instruction shall serve as nonvoting ex officio members of the committee.

The committee shall select a rational methodology for calculating the costs of an adequate education system for the ensuing six-year period, and shall report the methodology and the resulting costs to the general assembly. In performing its function, the committee is not bound by any method used by previous general assemblies to examine and calculate costs and instead may utilize any rational method it deems suitable and reasonable given the educational needs and requirements of the state at that time.

The methodology for determining the cost of an adequate education

stem shall take into account the basic educational costs that all districts incur in educating regular students, the unique needs of special categories of students, and significant special conditions encountered by certain classifications of school districts.

The committee also shall redetermine, for purposes of updating the parity aid calculation under section 3317.0217 of the Revised Code, the average number of effective operating mills that school districts in the seventieth to ninetieth percentiles of valuations per pupil collect above the revenues required to finance their attributed local shares of the calculated cost of an adequate education.

Any committee appointed pursuant to this section shall make its report to the office of budget and management and the general assembly within ~~six months~~ one year of its appointment so that the information is available for use by the office and the general assembly in preparing the next biennial appropriations act.

(D)(1) For purposes of this division, an "update year" is the first fiscal year for which the per pupil base cost of an adequate education is in effect after being recalculated by the general assembly. The first update year is fiscal year 2002. The second update year is fiscal year 2008.

(2) The general assembly shall recalculate the per pupil base cost of an adequate education every six years after considering the recommendations of the committee appointed under division (C) of this section. At the time of the recalculation, for each of the 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 one-half percentage points. The general assembly's methods may include, but are not required to include and need not be limited to, reexamining the rate of millage charged off as the local share of base cost funding under divisions (A)(1) and (2) of section 3317.022 of the Revised Code. Regardless of any changes in charge-off millage rates in years between update years, however, the charge-off millage rate for update years shall be twenty-three mills, unless the general assembly determines that a different millage rate is more appropriate to share the total calculated base cost between the state and school districts.

(5) The total state share percentage of base cost and parity aid funding for any fiscal year is calculated as follows:

[(Total state base cost + total state parity aid funding) - statewide charge-off amount] / (Total state base cost + total state parity aid funding)

Where:

(a) The total state base cost equals the sum of the base costs for all school districts for the fiscal year.

(b) The base cost for each school district equals:

formula amount X cost-of-doing-business factor X
the greater of formula ADM or
three-year average formula ADM

(c) The total state parity aid funding equals the sum of the amounts paid to all school districts for the fiscal year under section 3317.0217 of the Revised Code.

(d) The statewide charge-off amount equals the sum of the charge-off amounts for all school districts.

(e) The charge-off amount for each school district is the amount calculated as its local share of base cost funding and deducted from the total calculated base cost to determine the 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.

(6) Whenever requested by the chairperson of the standing committee of

the house or representatives or the senate having primary jurisdiction over appropriations, the legislative budget officer, or the director of budget and management, the department of education shall report its latest projections for total base cost, total parity aid funding, and the statewide charge-off amount, as those terms are defined in division (D)(5) of this section, for each year of the upcoming fiscal biennium, and all data it used to make the projections.

Sec. 3317.013. This section does not apply to handicapped preschool students.

Analysis of special education cost data has resulted in a finding that the average special education additional cost per pupil, including the costs of related services, can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. The multiples for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, and adjusted as provided in this section, are as follows:

(A) A multiple of 0.2892 for students whose primary or only identified handicap is a speech and language handicap, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(B) A multiple of ~~0.22~~ 0.3691 for students identified as specific learning disabled, ~~other health handicapped~~, or developmentally handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code, or other health handicapped-minor;

~~(B)~~(C) A multiple of ~~3.01~~ 1.7695 for students identified as hearing handicapped, ~~orthopedically handicapped~~, vision impaired, ~~multihandicapped~~, and or severe behavior handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) A multiple of 2.3646 for students identified as orthopedically handicapped, as this term is defined pursuant to Chapter 3323. of the Revised Code or other health handicapped - major;

(E) A multiple of 3.1129 for students identified as multihandicapped, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(F) A multiple of 4.7342 for students identified as autistic, having traumatic brain injuries, or as both visually and hearing disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code.

~~Further analysis indicates that approximately one-eighth of the total costs of serving special education students consists of the furnishing of the related services specified in division (B)(3) of section 3317.022 of the Revised Code.~~

In fiscal year 2002, the multiples specified in divisions (A) to (F) of this

section shall be adjusted by multiplying them by 0.825. In fiscal year 2003, the multiples specified in those divisions shall be adjusted by multiplying them by 0.875.

Sec. 3317.014. The average vocational education additional cost per pupil can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. the multiples for the following categories of vocational education programs are as follows:

(A) A multiple of ~~0.60~~ 0.57 for students enrolled in vocational education job-training and workforce development programs approved by the department of education in accordance with rules adopted under section 3313.90 of the Revised Code.

(B) A multiple of ~~0.30~~ 0.28 for students enrolled in vocational education classes other than job-training and workforce development programs.

Vocational education associated services costs can be expressed as a multiple of 0.05 of the base cost per pupil calculated under section 3317.012 of the Revised Code.

The general assembly has adjusted the multiples specified in this section for calculating payments beginning in fiscal year 2002 in recognition that its policy change regarding the application of the cost-of-doing-business factor produces a higher base cost amount than would exist if no change were made to its application. The adjustment maintains the same weighted costs as would exist if no change were made to the application of the cost-of-doing-business factor.

Sec. 3317.02. As used in this chapter:

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(B) "Formula amount" means the base cost for the fiscal year specified in section 3317.012 of the Revised Code, ~~except that to allow for the orderly phase-in of the increased funding specified in that section, the formula amount for fiscal year 1999 shall be \$3,851, and the formula amount for fiscal year 2000 shall be \$4,052. Thereafter, the formula amount shall be as specified in that section.~~

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, ~~or three~~, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.

(D)(1) "Formula ADM" means, for a city, local, or exempted village

school district, the number reported pursuant to division (A) of section 3317.03 of the Revised Code, and for a joint vocational school district, the number reported pursuant to division (D) of that section.

(2) "Three-year average formula ADM" means the average of formula ADMs for the current and preceding two fiscal years. However, as applicable in fiscal years 1999 and 2000, the three-year average for city, local, and exempted village school districts shall be determined utilizing the FY 1997 ADM or FY 1998 ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal years 2000 and 2001, the three-year average for joint vocational school districts shall be determined utilizing the average daily membership reported in fiscal years 1998 and 1999 under division (D) of section 3317.03 of the Revised Code in lieu of formula ADM for fiscal years 1998 and 1999.

(E) "FY 1997 ADM" or "FY 1998 ADM" means the school district's average daily membership reported for the applicable fiscal year under the version of division (A) of section 3317.03 of the Revised Code in effect during that fiscal year, adjusted as follows:

(1) Minus the average daily membership of handicapped preschool children;

(2) Minus one-half of the average daily membership attending kindergarten;

(3) Minus three-fourths of the average daily membership attending a joint vocational school district;

(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;

(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.

(F)(1) "Category one special education ADM" means the average daily membership of handicapped children receiving special education services for ~~those handicaps~~ the handicap 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.

(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.

(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 are defined pursuant to Chapter 3323. those handicaps specified in division (C) of section 3317.013~~ of the Revised Code, and reported under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.

(4) "Category four special education ADM" means the average daily membership of students receiving special education services for those handicaps specified in division (D) of section 3317.013 of the Revised Code and reported under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code.

(5) "Category five special education ADM" means the average daily membership of students receiving special education services for the handicap specified in division (E) of section 3317.013 of the Revised Code and reported under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code.

(6) "Category six special education ADM" means the average daily membership of students receiving special education services for the handicap specified in division (F) of section 3317.013 of the Revised Code and reported under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code.

(7) "Category one vocational education ADM" means the average daily membership of students receiving vocational education services described in division (A) of section 3317.014 of the Revised Code and reported under division (B)(~~8~~)(11) or (D)(2)(~~e~~)(h) of section 3317.03 of the Revised Code.

~~(5)~~(8) "Category two vocational education ADM" means the average daily membership of students receiving vocational education services described in division (B) of section 3317.014 of the Revised Code and reported under division (B)(~~9~~)(12) or (D)(2)(~~f~~)(i) of section 3317.03 of the Revised Code.

(G) "Handicapped preschool child" means a handicapped child, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities.

(I) "Recognized valuation" means the amount calculated for a school

strict pursuant to section 3317.015 of the Revised Code.

(J) "Transportation ADM" means the number of children reported under division (B)(4)(13) of section 3317.03 of the Revised Code.

(K) "Average efficient transportation use cost per student" means a statistical representation of transportation costs as calculated under division (D)(2) of section 3317.022 of the Revised Code.

(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(N)(4) "Cost-of-doing-business factor" means the amount indicated in this division for the county in which a city, local, exempted village, or joint vocational school district is located, ~~adjusted in accordance with division (N)(2) of this section.~~ If a city, local, or exempted village school district is located in more than one county, the factor is the amount indicated for the county to which the district is assigned by the state department of education. If a joint vocational school district is located in more than one county, the factor is the amount indicated for the county in which the joint vocational school with the greatest formula ADM operated by the district is located.

COST-OF-DOING-BUSINESS

COUNTY	FACTOR	AMOUNT
Adams	1.0074	<u>1.0061</u>
Allen	1.0217	<u>1.0236</u>
Ashland	1.0322	<u>1.0331</u>
Ashtabula	1.0480	<u>1.0431</u>
Athens	1.0046	<u>1.0038</u>
Auglaize	1.0255	<u>1.0272</u>
Belmont	1.0078	<u>1.0043</u>
Brown	1.0194	<u>1.0207</u>
Butler	1.0650	<u>1.0663</u>
Carroll	1.0166	<u>1.0148</u>
Champaign	1.0292	<u>1.0413</u>
Clark	1.0462	<u>1.0443</u>
Clermont	1.0510	<u>1.0532</u>
Clinton	1.0293	<u>1.0296</u>
Columbiana	1.0300	<u>1.0262</u>
Coshocton	1.0205	<u>1.0200</u>

Crawford	1.0152 <u>1.0140</u>
Cuyahoga	1.0697 <u>1.0672</u>
Darke	1.0340 <u>1.0343</u>
Defiance	1.0177 <u>1.0165</u>
Delaware	1.0339 <u>1.0479</u>
Erie	1.0391 <u>1.0372</u>
Fairfield	1.0358 <u>1.0354</u>
Fayette	1.0266 <u>1.0258</u>
Franklin	1.0389 <u>1.0519</u>
Fulton	1.0355 <u>1.0361</u>
Gallia	1.0000
Geauga	1.0568 <u>1.0528</u>
Greene	1.0406 <u>1.0407</u>
Guernsey	1.0072 <u>1.0064</u>
Hamilton	1.0750
Hancock	1.0224 <u>1.0215</u>
Hardin	1.0219 <u>1.0348</u>
Harrison	1.0098 <u>1.0081</u>
Henry	1.0347 <u>1.0338</u>
Highland	1.0139 <u>1.0129</u>
Hocking	1.0149 <u>1.0151</u>
Holmes	1.0237 <u>1.0238</u>
Huron	1.0317 <u>1.0305</u>
Jackson	1.0132 <u>1.0118</u>
Jefferson	1.0084 <u>1.0067</u>
Knox	1.0251 <u>1.0258</u>
Lake	1.0596 <u>1.0556</u>
Lawrence	1.0128 <u>1.0122</u>
Licking	1.0381 <u>1.0375</u>
Logan	1.0188 <u>1.0362</u>
Lorain	1.0535 <u>1.0521</u>
Lucas	1.0413 <u>1.0406</u>
Madison	1.0342 <u>1.0437</u>
Mahoning	1.0426 <u>1.0384</u>
Marion	1.0121 <u>1.0263</u>
Medina	1.0608 <u>1.0595</u>
Meigs	1.0031 <u>1.0018</u>
Mercer	1.0177 <u>1.0199</u>
Miami	1.0425 <u>1.0415</u>
Monroe	1.0118 <u>1.0097</u>

Montgomery	1.0482 <u>1.0476</u>
Morgan	1.0140 <u>1.0128</u>
Morrow	1.0268 <u>1.0276</u>
Muskingum	1.0167 <u>1.0145</u>
Noble	1.0129 <u>1.0103</u>
Ottawa	1.0510 <u>1.0468</u>
Paulding	1.0156 <u>1.0140</u>
Perry	1.0175 <u>1.0154</u>
Pickaway	1.0338 <u>1.0326</u>
Pike	1.0103 <u>1.0094</u>
Portage	1.0556 <u>1.0516</u>
Preble	1.0486 <u>1.0476</u>
Putnam	1.0253 <u>1.0243</u>
Richland	1.0205 <u>1.0213</u>
Ross	1.0089 <u>1.0085</u>
Sandusky	1.0336 <u>1.0307</u>
Scioto	1.0044 <u>1.0029</u>
Seneca	1.0240 <u>1.0223</u>
Shelby	1.0257 <u>1.0263</u>
Stark	1.0313 <u>1.0300</u>
Summit	1.0616 <u>1.0598</u>
Trumbull	1.0425 <u>1.0381</u>
Tuscarawas	1.0099 <u>1.0097</u>
Union	1.0330 <u>1.0446</u>
Van Wert	1.0126 <u>1.0133</u>
Vinton	1.0068 <u>1.0070</u>
Warren	1.0651 <u>1.0659</u>
Washington	1.0110 <u>1.0075</u>
Wayne	1.0406 <u>1.0404</u>
Williams	1.0268 <u>1.0284</u>
Wood	1.0405 <u>1.0382</u>
Wyandot	1.0191 <u>1.0188</u>

(2) ~~As used in this division, "multiplier" means the number for the corresponding fiscal year as follows:~~

FISCAL YEAR OF THE COMPUTATION	MULTIPLIER
1998	9.6/7.5
1999	11.0/7.5
2000	12.4/7.5
2001	13.8/7.5

2002	15.2/7.5
2003	16.6/7.5
2004 and thereafter	18.0/7.5

~~Beginning in fiscal year 1998, the department shall annually adjust the cost of doing business factor for each county in accordance with the following formula:~~

~~[(The cost of doing business factor specified under division (N)(1) of this section - 1) X (the multiplier for the fiscal year of the calculation)] + 1~~

~~The result of such formula shall be the adjusted cost of doing business factor for that fiscal year.~~

(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

(P) "Potential value" of a school district means the ~~adjusted total taxable value~~ recognized valuation of a school district plus the tax exempt value of the district.

(Q) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(R) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.

(S) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.

~~(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.~~

~~(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:~~

~~District valuation per pupil - [\$60,000 X (1 - district income factor)]~~

~~If the result of such formula is negative, the adjusted valuation per pupil shall be zero.~~

~~(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.~~

~~(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:~~

~~(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:~~

$$\begin{aligned} & \text{(Income adjusted valuation X multiple) +} \\ & \text{[recognized valuation X (1-multiple)]} \end{aligned}$$

~~Where "multiple" means the number for the corresponding fiscal year as follows:~~

FISCAL YEAR OF THE COMPUTATION	MULTIPLE
2000	1/5
2001 and thereafter	4/15

~~(2) In fiscal year 1999, if a school district's income factor is greater than one, the amount calculated under the following formula:~~

$$\begin{aligned} & \text{(Income adjusted valuation X 1/15)} \\ & \text{+ (recognized valuation X 14/15)} \end{aligned}$$

~~Thereafter, the adjusted total taxable value of a district with an income factor greater than one shall be its recognized valuation~~ "Medically fragile child" means a child to whom all of the following apply:

(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.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.

(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:

(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.

(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 instruction for a determination that a child is a

medically fragile child.

(V) A child may be identified as "other health handicapped-minor" 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 but the child's condition does not meet either of the conditions specified in division (U)(1) or (2) of this section.

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education the following information for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under ~~section~~ sections 3317.022 and 3317.0217 or section 3317.16 of the Revised Code:

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location;

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year;

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses;

(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.

(5) ~~The total effective operating tax rate for the district in the tax year for which the most recent data are available~~ federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is

available.

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If a public utility has properly and timely filed a petition for reassessment under section 5727.47 of the Revised Code with respect to an assessment issued under section 5727.23 of the Revised Code affecting taxable property apportioned by the tax commissioner to a school district, the taxable value of public utility tangible personal property included in the certification under divisions (A)(2) and (B) of this section for the school district shall include only the amount of taxable value on the basis of which the public utility paid tax for the preceding year as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code.

(D) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (D)(3) of this section to the department. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district;

(3) Divide the amount estimated under division (D)(2) of this section by the product obtained under division (D)(1) of this section.

~~(E) As used in this section:~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(4) "Income tax equivalent tax rate" of a school district means the quotient obtained by dividing the income tax revenue disbursed during the current fiscal year under any tax levied pursuant to Chapter 5748. of the Revised Code by total taxable value of the district to the extent the revenue from the tax is allocated or apportioned to current expenses.~~

~~(5) "Total effective operating tax rate" means the sum of the Class I effective operating tax rate and the income tax equivalent tax rate.~~

Sec. 3317.022. (A)(1) The department of education shall compute and distribute state base cost funding to each school district for the fiscal year in accordance with the following formula, ~~using adjusted total taxable value as defined in section 3317.02 of the Revised Code or~~ making any adjustment required by division (A)(2) of this section and using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins.

Compute the following for each eligible district:

$$\begin{aligned} & [\text{cost-of-doing-business factor X} \\ & \text{the formula amount X (the greater of formula ADM} \\ & \text{or three-year average formula ADM)] - \\ & (.023 \text{ X } \del{\text{adjusted total taxable value}} \text{ recognized valuation) \end{aligned}$$

If the difference obtained is a negative number, the district's computation shall be zero.

(2)(a) For each school district for which the tax exempt value of the district equals or exceeds twenty-five per cent of the potential value of the district, the department of education shall calculate the difference between the district's tax exempt value and twenty-five per cent of the district's potential value.

(b) For each school district to which division (A)(2)(a) of this section applies, the ~~adjusted total taxable value~~ department shall adjust the recognized valuation used in the calculation under division (A)(1) of this section ~~shall be the adjusted total taxable value modified~~ by subtracting from it the amount calculated under division (A)(2)(a) of this section.

(B) As used in this section:

(1) The "total special education weight" for a district means the sum of the following amounts:

(a) The district's category one special education ADM multiplied by the multiple specified ~~under~~ in division (A) of section 3317.013 of the Revised Code;

(b) ~~The sum of the~~ district's category two ~~and category three~~ special education ~~ADMs~~ ADM multiplied by the multiple specified ~~under~~ in division (B) of section 3317.013 of the Revised Code;

(c) The district's category three special education ADM multiplied by the multiple specified in division (C) of section 3317.013 of the Revised Code;

(d) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code;

(e) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code;

(f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 3317.013 of the Revised Code.

(2) "State share percentage" means the percentage calculated for a district as follows:

(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.

(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following:

$$\frac{\text{Cost-of-doing-business factor X}}{\text{the formula amount X (the greater of formula ADM or three-year average formula ADM)}}$$

The resultant number is the district's state share percentage.

(3) "Related services" includes:

(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for handicapped children whose handicaps are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(b) Speech and language services provided to any student with a handicap, including any student whose primary or only handicap is a speech and language handicap;

(c) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(d) Any service included in units funded under former division (O)(1) of section 3317.023 of the Revised Code;

(e) Any other related service needed by handicapped children in accordance with their individualized education plans.

(4) The "total vocational education weight" for a district means the sum of the following amounts:

(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;

(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.

(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:

The district's state share percentage
X the formula amount for the year
for which the aid is calculated

X the district's total special education weight

(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) $1/8 \times$ [(cost of doing business factor X the formula amount X (the category one special education ADM + category two special education ADM + category three special education ADM)] + the amount calculated for the fiscal year under division (C)(1) of this section + 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.

(b) For purposes of division (C)(3)(a) of this section, the threshold catastrophic cost for serving a student equals:

(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;

(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.

The threshold catastrophic costs for fiscal year 2003 represent a two and eight-tenths per cent inflationary increase over fiscal year 2002.

(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.

(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.

(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 formula:

(formula ADM divided by 2000) X

the personnel allowance X the state share percentage

~~(6)(5)~~ In any fiscal year, a school district receiving funds under division

~~(C)(1) of this section shall spend those funds only for the purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:~~

$$\begin{aligned} & \text{(cost-of-doing-business factor X} \\ & \text{formula amount X the sum of categories} \\ & \text{one through six special education ADM) +} \\ & \text{(total special education weight X formula amount)} \end{aligned}$$

The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of handicapped children, compliance with state rules governing the education of handicapped children and prescribing the continuum of program options for handicapped children, and the portion of the school district's overall administrative and overhead costs that are attributable to the district's special education student population.

The department shall require school districts to report data annually to allow for monitoring compliance with division (C)(5) of this section. The department shall annually report to the governor and the general assembly the amount of money spent by each school district for special education and related services.

(D)(1) As used in this division:

(a) "Daily bus miles per student" equals the number of bus miles traveled per day, divided by transportation base.

(b) "Transportation base" equals total student count as defined in section 3301.011 of the Revised Code, minus the number of students enrolled in preschool handicapped units, plus the number of nonpublic school students included in transportation ADM.

(c) "Transported student percentage" equals transportation ADM divided by transportation base.

(d) "Transportation cost per student" equals total operating costs for board-owned or contractor-operated school buses divided by transportation base.

(2) Analysis of student transportation cost data has resulted in a finding that an average efficient transportation use cost per student can be calculated by means of a regression formula that has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows:

$$\begin{aligned} & 51.79027 + (139.62626 \text{ X daily bus miles per student}) + \\ & (116.25573 \text{ X transported student percentage}) \end{aligned}$$

The department of education shall annually determine the average

efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.

(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight tenths per cent to account for the one-year difference between the data used in updating the formula and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:

FISCAL YEAR	PERCENTAGE
2000	52.5%
2001	55%
2002	57.5%
2003 and thereafter	<u>The greater 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:

$$(\text{per rough mile subsidy} \times \text{total rough road miles}) \times X$$

density multiplier

where:

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:

$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$$

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.

(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost-of-doing-business factor.

(iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation.

(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage.

(c) "Density multiplier" means a figure calculated in accordance with the following formula:

$$1 - [(\text{minimum student density} - \text{district student density}) / (\text{minimum student density} - \text{statewide student density})]$$

(i) "Minimum student density" means the lowest district student density in the state.

(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district.

(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts.

(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (J) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

~~(7) Notwithstanding divisions (D)(1) to (6) of this section, in fiscal year 2000 only, each school district shall receive the greater of the total amount~~

~~calculated for it under those divisions and division (J) of section 3317.024 of the Revised Code or the total amount calculated for it for types one through six student transportation operating funds in fiscal year 1999. For purposes of division (D)(7) of this section, the fiscal year 1999 guaranteed total amount does not include subsidies for school bus purchases.~~

(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula:

$$\frac{\text{state share percentage X}}{\text{the formula amount X}} \times \text{total vocational education weight}$$

In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses.

(2) The department shall compute for each school district state funds for vocational education associated services in accordance with the following formula:

$$\frac{\text{state share percentage X} \times .05 \times \text{the formula amount X}}{\text{the sum of categories one and two vocational education ADM}}$$

In any fiscal year, a school district receiving funds under division (E)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for vocational education associated 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 (E)(2) of this section to any district that the department determines is not operating those services or is using funds paid under division (E)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, for other purposes.

~~In fiscal years 2000 and 2001, each school district shall continue to offer the same number of the vocational education programs that the district offered in fiscal year 1999, unless the department of education expressly agrees that the district may offer fewer programs in either fiscal year 2000 or 2001 or both.~~

(F) Beginning in fiscal year 2003, the actual local share in any fiscal year for the combination of special education and related services additional weighted costs funding calculated under division (C)(1) of this section,

transportation funding calculated under divisions (D)(2) and (3) of this section, and vocational education and associated services additional weighted costs funding calculated under divisions (E)(1) and (2) of this section shall not exceed for any school district the product of three mills times the district's recognized valuation. Beginning in fiscal year 2003, the department annually shall pay each school district as an excess cost supplement any amount by which the sum of the district's attributed local shares for that funding exceeds that product. For purposes of calculating the excess cost supplement:

(1) The attributed local share for special education and related services additional weighted costs funding is the amount specified in division (C)(2) of this section.

(2) The attributed local share of transportation funding equals the difference of the total amount calculated for the district using the formula developed under division (D)(2) of this section minus the actual amount paid to the district after applying the percentage specified in division (D)(3) of this section.

(3) The attributed local share of vocational education and associated services additional weighted costs funding is the amount determined as follows:

$$\frac{(1 - \text{state share percentage}) \times [(\text{total vocational education weight} \times \text{the formula amount}) + \text{the payment under division (E)(2) of this section}]}{1}$$

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the Revised Code, the amounts required to be paid to a district under this chapter shall be adjusted by the amount of the computations made under divisions (B) to ~~(K)~~(L) of this section.

As used in this section:

(1) "Classroom teacher" means a licensed employee who provides direct instruction to pupils, excluding teachers funded from money paid to the district from federal sources; educational service personnel; and vocational and special education teachers.

(2) "Educational service personnel" shall not include such specialists funded from money paid to the district from federal sources or assigned full-time to vocational or special education students and classes and may only include those persons employed in the eight specialist areas in a pattern approved by the department of education under guidelines established by the state board of education.

(3) "Annual salary" means the annual base salary stated in the state minimum salary schedule for the performance of the teacher's regular

ng 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 responsible for the planning for and provision of vocational education services to students within the district or group.

(7) "Lead district" means a school district, including a joint vocational school district, designated by the department as a VEPD, or designated to provide primary vocational education leadership within a VEPD composed of a group of districts.

(B) If the district employs less than one full-time equivalent classroom teacher for each twenty-five pupils in the regular student population in any school district, deduct the sum of the amounts obtained from the following computations:

(1) Divide the number of the district's full-time equivalent classroom teachers employed by one twenty-fifth;

(2) Subtract the quotient in (1) from the district's regular student population;

(3) Multiply the difference in (2) by seven hundred fifty-two dollars.

(C) If a positive amount, add one-half of the amount obtained by multiplying the number of full-time equivalent classroom teachers by:

(1) The mean annual salary of all full-time equivalent classroom teachers employed by the district at their respective training and experience levels minus;

(2) The mean annual salary of all such teachers at their respective levels in all school districts receiving payments under this section.

The number of full-time equivalent classroom teachers used in this computation shall not exceed one twenty-fifth of the district's regular

student population. In calculating the district's mean salary under this division, those full-time equivalent classroom teachers with the highest training level shall be counted first, those with the next highest training level second, and so on, in descending order. Within the respective training levels, teachers with the highest years of service shall be counted first, the next highest years of service second, and so on, in descending order.

(D) This division does not apply to a school district that has entered into an agreement under division (A) of section 3313.42 of the Revised Code. Deduct the amount obtained from the following computations if the district employs fewer than five full-time equivalent educational service personnel, including elementary school art, music, and physical education teachers, counselors, librarians, visiting teachers, school social workers, and school nurses for each one thousand pupils in the regular student population:

(1) Divide the number of full-time equivalent educational service personnel employed by the district by five one-thousandths;

(2) Subtract the quotient in (1) from the district's regular student population;

(3) Multiply the difference in (2) by ninety-four dollars.

(E) If a local school district, or a city or exempted village school district to which a governing board of an educational service center provides services pursuant to section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under section 3317.11 of the Revised Code.

(F)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (I) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition or payment under division (A)(1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.

(G) If the district has been certified by the superintendent of public instruction under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under section 3317.022 of the Revised Code.

(H) If the district has received a loan from a commercial lending

institution for which payments are made by the superintendent of public instruction pursuant to division (E)(3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(I)(1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (I)(1) of this section, add the amount of 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 section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B)(1) of section 3317.19 of the Revised Code.

(K)(1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the formula amount times the cost of doing business factor of the school district where the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) An amount equal to the formula amount times the state share percentage times any multiple applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (K)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center pursuant to section 3317.11 of the Revised Code.

(L)(1) If a district, including a joint vocational school district, is a lead district of a VEPD, credit to that district the amounts calculated for all the

school districts within that VEPD pursuant to division (E)(2) of section 3317.022 of the Revised Code.

(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (L)(1) of this section.

Sec. 3317.024. In addition to the moneys paid to eligible school districts pursuant to section 3317.022 of the Revised Code, moneys appropriated for the education programs in divisions (A) to (H), (J) to (L), (O), (P), and (R) of this section shall be distributed to school districts meeting the requirements of section 3317.01 of the Revised Code; in the case of divisions (J) and (P) of this section, to educational service centers as provided in section 3317.11 of the Revised Code; in the case of divisions (E), (M), and (N) of this section, to county MR/DD boards; in the case of division (R) of this section, to joint vocational school districts; in the case of division (K) of this section, to cooperative education school districts; and in the case of division (Q) of this section, to the institutions defined under section 3317.082 of the Revised Code providing elementary or secondary education programs to children other than children receiving special education under section 3323.091 of the Revised Code. The following shall be distributed monthly, quarterly, or annually as may be determined by the state board of education:

(A) A per pupil amount to each school district that establishes a summer school remediation program that complies with rules of the state board of education.

(B) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for capital improvements for such schools. Such amounts shall be determined on the basis of standards adopted by the state board of education.

(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 village school district, an amount for conducting driver education courses at high schools for which the state board of education prescribes minimum standards and to joint vocational and cooperative education school districts and educational service centers, an amount for conducting driver education courses to pupils enrolled in a high school for which the state board prescribes minimum standards. No payments shall be made under this division after June 30, 1999.

(J) An amount for the approved cost of transporting developmentally handicapped pupils whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the district or service center. No district or service center is eligible to receive a payment under this division for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM. The state board of education shall establish standards and guidelines for use by the department of education in determining the approved cost of such transportation for each district or service center.

(K) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children and an amount to assist needy school districts in purchasing necessary equipment for food preparation. The amounts shall be determined on the basis of rules adopted by the state board of education.

(L) An amount to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district. The amount shall equal the amount appropriated for the implementation of section 3317.06 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in nonpublic elementary and high schools within the state as determined during the first full week in October of each school year.

(M) An amount for each county MR/DD board, distributed on the basis of standards adopted by the state board of education, for the approved cost of transportation required for children attending special education programs operated by the county MR/DD board under section 3323.09 of the Revised Code;

(N) An amount for each county MR/DD board, distributed on the basis of standards adopted by the state board of education, for supportive home services for preschool children;

(O) An amount for each school district that establishes a mentor teacher program that complies with rules of the state board of education. No school district shall be required to establish or maintain such a program in any year unless sufficient funds are appropriated to cover the district's total costs for the program.

(P) An amount to each school district or educational service center for the total number of gifted units approved pursuant to section 3317.05 of the Revised Code. The amount for each such unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment, plus fifteen per cent of that minimum salary amount, plus two thousand six hundred seventy-eight dollars.

(Q) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special education under section 3323.091 of the Revised Code. This amount for any institution in any fiscal year shall equal the total of all tuition amounts required to be paid to the institution under division (A)(1) of section 3317.082 of the Revised Code.

(R) A grant to each school district and joint vocational school district that operates a "graduation, reality, and dual-role skills" (GRADS) program for pregnant and parenting students that is approved by the department. The amount of the payment shall be the district's state share percentage, as defined in section 3317.022 or 3317.16 of the Revised Code, times the

GRADS personnel allowance times the full-time-equivalent number of GRADS teachers approved by the department. The GRADS personnel allowance is ~~\$45,000 in fiscal year 2000 and~~ \$46,260 in fiscal year ~~2001~~ years 2002 and 2003.

The state board of education or any other board of education or governing board may provide for any resident of a district or educational service center territory any educational service for which funds are made available to the board by the United States under the authority of public law, whether such funds come directly or indirectly from the United States or any agency or department thereof or through the state or any agency, department, or political subdivision thereof.

Sec. 3317.029. (A) As used in this section:

(1) "DPIA percentage" means:

(a) In fiscal years prior to fiscal year 2004, the quotient obtained by dividing the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving family assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as certified or adjusted under section 3317.10 of the Revised Code, by the district's three-year average formula ADM.

(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, divided by the district's three-year average formula ADM.

(2) "Family assistance" means assistance received under one of the following:

(a) The Ohio works first program or, for the purpose of determining the five-year average number of recipients of family assistance in fiscal years 1999 through 2002, assistance received under an antecedent program known as TANF or ADC;

(b) The food stamp program;

(c) The medical assistance program, including the healthy start program, established under Chapter 5111. of the Revised Code;

(d) The children's health insurance program part I established under section 5101.50 of the Revised Code or, prior to fiscal year 2000, an executive order issued under section 107.17 of the Revised Code;

(e) The disability assistance program established under Chapter 5115. of the Revised Code.

(3) "Statewide DPIA percentage" means:

(a) In fiscal years prior to fiscal year 2004, the five-year average of the total number of children ages five to seventeen years residing in the state and receiving family assistance under the Ohio works first program or an antecedent program known as TANF or ADC, divided by the sum of the three-year average formula ADMs for all school districts in the state.

(b) Beginning in fiscal year 2004, the five-year average of the total, unduplicated number of children ages five to seventeen residing in the state and living in a family that has family income not exceeding the federal poverty guidelines and that receives family assistance, divided by the sum of the three-year average formula ADMs for all school districts in the state.

(4) "DPIA index" means the quotient obtained by dividing the school district's DPIA percentage by the statewide DPIA percentage.

(5) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

(6) "DPIA student count" means:

(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;

(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.

(7) "Kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in kindergarten.

~~(6)~~(8) "Kindergarten through third grade ADM" means the amount calculated as follows:

(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage;

(b) Add the number of students in grades one through three;

(c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades kindergarten through three.

~~(7)~~(9) "Statewide average teacher salary" means ~~forty~~ forty-two thousand ~~one~~ four hundred ~~eighty-seven~~ sixty-nine dollars in fiscal year ~~2000~~ 2002, and ~~forty-one~~ forty-three thousand ~~three~~ six hundred ~~twelve~~ fifty-eight dollars in fiscal year ~~2001~~ 2003, which includes an amount for the value of fringe benefits.

~~(8)~~(10) "All-day kindergarten" means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for pupils in grades one through six.

~~(9)~~(11) "All-day kindergarten percentage" means the percentage of a district's actual total number of students enrolled in kindergarten who are enrolled in all-day kindergarten.

~~(10)~~(12) "Buildings with the highest concentration of need" means:

(a) In fiscal years prior to fiscal year 2004, the school buildings in a district with percentages of students receiving family assistance in grades kindergarten through three receiving assistance under Ohio works first at least as high as the district-wide percentage of students receiving family such assistance. If, however

(b) Beginning in fiscal year 2004, the school buildings in a district with percentages of students in grades kindergarten through three receiving family assistance at least as high as the district-wide percentage of students receiving family assistance.

(c) If, in any fiscal year, the information provided by the 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, beginning with the school year that starts July 1, 2002, each school district annually shall use at least twenty per cent of the funds calculated for the district under this division for intervention services required by section 3313.608 of the Revised Code.

(D) A payment for all-day kindergarten if the DPIA index of the school district is greater than or equal to one or if the district's three-year average formula ADM exceeded seventeen thousand five hundred, calculated by multiplying the all-day kindergarten percentage by the kindergarten ADM and multiplying that product by the formula amount.

(E) A class-size reduction payment based on calculating the number of new teachers necessary to achieve a lower student-teacher ratio, as follows:

(1) Determine or calculate a formula number of teachers per one thousand students based on the DPIA index of the school district as follows:

(a) If the DPIA index of the school district is less than six-tenths, the formula number of teachers is 43.478, which is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one;

(b) If the DPIA index of the school district is greater than or equal to six-tenths, but less than two and one-half, the formula number of teachers is calculated as follows:

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\}$$

Where 43.478 is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one; 1.9 is the interval from a DPIA index of six-tenths to a DPIA index of two and one-half; and 23.188 is the difference in the number of teachers per one thousand students at a student-teacher ratio of fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one.

(c) If the DPIA index of the school district is greater than or equal to two and one-half, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one.

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand;

(3) Calculate the number of new teachers as follows:

(a) Multiply the kindergarten through third grade ADM by 43.478, which is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one, and divide that product by one thousand;

(b) Subtract the quotient obtained in division (E)(3)(a) of this section from the product in division (E)(2) of this section.

(4) Multiply the greater of the difference obtained under division (E)(3) of this section or zero by the statewide average teachers salary.

(F) This division applies only to school districts whose DPIA index is one or greater.

(1) Each school district subject to this division shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage.

(2) Up to an amount equal to the district's DPIA index multiplied by ~~the five-year average number of pupils in a district receiving family assistance~~ its DPIA student count multiplied by two hundred thirty dollars of the money distributed under this section may be utilized for one or both of the following:

(a) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;

(b) Remediation for students who have failed or are in danger of failing any of the proficiency tests administered pursuant to section 3301.0710 of the Revised Code.

Beginning with the school year that starts on July 1, 2002, each school district shall use at least twenty per cent of the funds set aside for the purposes of divisions (F)(2)(a) and (b) of this section to provide intervention services required by section 3313.608 of the Revised Code.

(3) Except as otherwise required by division (G) or permitted under division (K) of this section, all other funds distributed under this section to districts subject to this division shall be utilized for the purpose of the third grade guarantee. The third grade guarantee consists of increasing the amount of instructional attention received per pupil in kindergarten through third grade, either by reducing the ratio of students to instructional personnel or by increasing the amount of instruction and curriculum-related activities by extending the length of the school day or the school year.

School districts may implement a reduction of the ratio of students to instructional personnel through any or all of the following methods:

(a) Reducing the number of students in a classroom taught by a single

teacher;

(b) Employing full-time educational aides or educational paraprofessionals issued a permit or license under section 3319.088 of the Revised Code;

(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom.

Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. In accordance with section 3319.089 of the Revised Code, a district extending the school day pursuant to this division may utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation.

Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.

(G) Each district subject to division (F) of this section shall not expend any funds received under division (E) of this section in any school buildings that are not buildings with the highest concentration of need, unless there is a ratio of instructional personnel to students of no more than fifteen to one in each kindergarten and first grade class in all buildings with the highest concentration of need. This division does not require that the funds used in buildings with the highest concentration of need be spent solely to reduce the ratio of instructional personnel to students in kindergarten and first grade. A school district may spend the funds in those buildings in any manner permitted by division (F)(3) of this section, but may not spend the money in other buildings unless the fifteen-to-one ratio required by this division is attained.

(H)(1) By the first day of August of each fiscal year, each school district wishing to receive any funds under division (D) of this section shall submit to the department of education an estimate of its all-day kindergarten percentage. Each district shall update its estimate throughout the fiscal year in the form and manner required by the department, and the department shall adjust payments under this section to reflect the updates.

(2) Annually by the end of December, the department of education, utilizing data from the information system established under section

01.0714 of the Revised Code and after consultation with the legislative office of education oversight, shall determine for each school district subject to division (F) of this section whether in the preceding fiscal year the district's ratio of instructional personnel to students and its number of kindergarten students receiving all-day kindergarten appear reasonable, given the amounts of money the district received for that fiscal year pursuant to divisions (D) and (E) of this section. If the department is unable to verify from the data available that students are receiving reasonable amounts of instructional attention and all-day kindergarten, given the funds the district has received under this section and that class-size reduction funds are being used in school buildings with the highest concentration of need as required by division (G) of this section, the department shall conduct a more intensive investigation to ensure that funds have been expended as required by this section. The department shall file an annual report of its findings under this division with the chairpersons of the committees in each house of the general assembly dealing with finance and education.

(I) Any school district with a DPIA index less than one and a three-year average formula ADM exceeding seventeen thousand five hundred shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage. Such a district shall expend at least seventy per cent of the remaining funds received under this section, and any other district with a DPIA index less than one shall expend at least seventy per cent of all funds received under this section, for any of the following purposes:

- (1) The purchase of technology for instructional purposes;
- (2) All-day kindergarten;
- (3) Reduction of class sizes;
- (4) Summer school remediation;
- (5) Dropout prevention programs;
- (6) Guaranteeing that all third graders are ready to progress to more advanced work;
- (7) Summer education and work programs;
- (8) Adolescent pregnancy programs;
- (9) Head start or preschool programs;
- (10) Reading improvement programs described by the department of education;
- (11) Programs designed to ensure that schools are free of drugs and

violence and have a disciplined environment conducive to learning;

(12) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;

(13) School breakfasts provided pursuant to section 3313.813 of the Revised Code.

Each district shall submit to the department, in such format and at such time as the department shall specify, a report on the programs for which it expended funds under this division.

(J) If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled less than the all-day kindergarten percentage reported for that fiscal year, the superintendent shall withhold from the funds otherwise due the district under this section a proportional amount as determined by the difference in the certified all-day kindergarten percentage and the percentage actually enrolled in all-day kindergarten.

The superintendent shall also withhold an appropriate amount of funds otherwise due a district for any other misuse of funds not in accordance with this section.

(K)(1) A district may use a portion of the funds calculated for it under division (D) of this section to modify or purchase classroom space to provide all-day kindergarten, if both of the following conditions are met:

(a) The district certifies to the department, in a manner acceptable to the department, that it has a shortage of space for providing all-day kindergarten.

(b) The district provides all-day kindergarten to the number of children in the all-day kindergarten percentage it certified under this section.

(2) A district may use a portion of the funds described in division (F)(3) of this section to modify or purchase classroom space to enable it to further reduce class size in grades kindergarten through two with a goal of attaining class sizes of fifteen students per licensed teacher. To do so, the district must certify its need for additional space to the department, in a manner satisfactory to the department.

Sec. 3317.0210. (A) As used in this section:

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended.

(2) "Chapter 11 corporation" means a corporation, company, or other business organization that has filed a petition for reorganization under

Chapter 11 of the "Bankruptcy Reform Act," 92 Stat. 2626, 11 U.S.C. 1101, as amended.

(3) "Real property" includes public utility real property and "personal property" includes public utility personal property.

(4) "Uncollectable taxes" means property taxes owed by a Chapter 11 corporation on its property for a tax year that a school district is precluded from collecting by virtue of proceedings under the Bankruptcy Reform Act.

(5) "Basic state aid" means the state aid calculated for a school district under section 3317.022 of the Revised Code.

(6) "Effective value" means the sum of the residential/agricultural real property value, the effective nonresidential/agricultural real property value, and the effective personal value.

(7) "Effective nonresidential/agricultural real property value" means, for a tax year, the amount obtained by multiplying the value for that year of nonresidential/agricultural real property subject to taxation in the district by a fraction, the numerator of which is the total taxes charged and payable for that year against the nonresidential/agricultural real property subject to taxation in the district, exclusive of the uncollectable taxes for that year on all real property subject to taxation in the district, and the denominator of which is the total taxes charged and payable for that year against the nonresidential/agricultural real property subject to taxation in the district.

(8) "Effective personal value" means, for a tax year, the amount obtained by multiplying the value for that year certified under division (A)(2) of section 3317.021 of the Revised Code by a fraction, the numerator of which is the total taxes charged and payable for that year against personal property subject to taxation in the district, exclusive of the uncollectable taxes for that year on that property, and the denominator of which is the total taxes charged and payable for that year against personal property subject to taxation in the district.

(9) "Nonresidential/agricultural real property value" means, for a tax year, the sum of the values certified for a school district for that year under division (B)(2)(a) of this section, and "residential/agricultural real property value" means, for a tax year, the sum of the values certified for a school district under division (B)(2)(b) of this section.

(10) "Taxes charged and payable against real property" means the taxes charged and payable against that property after making the reduction required by section 319.301 of the Revised Code.

(11) "Total taxes charged and payable" has the same meaning given "taxes charged and payable" in section 3317.02 of the Revised Code.

(B)(1) ~~By~~ Between the first day of ~~August~~ January and the first day of

February of any ~~calendar~~ year, a school district shall notify the department of education if it has uncollectable taxes from one Chapter 11 corporation for the ~~second~~ preceding tax year whose total taxes charged and payable represent at least one-half of one per cent of the district's total taxes charged and payable for that tax year.

(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:

(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

(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.

(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 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 year certified under those divisions.

The difference between the basic state aid amount originally computed for the district for fiscal year 2001 or fiscal year 2002 and the amount recomputed for that year under division (C)(1) or (2) of this section shall be paid to the district from the lottery profits education fund before the end of fiscal year 2002.

(E) Amounts received by a school district under division (C) and (D) of this section shall be repaid to the department of education in any future year to the extent the district receives payments of uncollectable taxes in such future year. The department shall notify a district of any amount owed under this division.

Sec. 3317.0212. ~~Divisions~~ Division (B) ~~and (C)~~ of this section ~~do~~ does not apply to a school district with a formula ADM of one hundred fifty or less.

(A) As used in this section:

(1) "Fundamental FY 1997 state aid" or "fundamental FY 1998 state aid" for a district means the total amount of state money received by the district for the applicable fiscal year as reported on the department of education's form "SF-12," adjusted as follows:

(a) Minus the amount for transportation;

- (b) Minus any amounts for approved preschool handicapped units;
 - (c) Minus any additional amount attributable to the reappraisal guarantee of division (C) of section 3317.04 of the Revised Code;
 - (d) Plus the amount deducted for payments to an educational service center;
 - (e) Plus an estimated portion of the state money distributed in the applicable fiscal year to other school districts or educational service centers for approved units, other than preschool handicapped or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in the district;
 - (f) Minus an estimated portion of the state money distributed to the school district in the applicable fiscal year for approved units, other than preschool handicapped units or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in another school district;
 - (g) Plus any additional amount paid in the applicable fiscal year pursuant to the vocational education recomputation required by Section 45.12 of Amended Substitute House Bill No. 117 of the 121st general assembly or former Section 50.22 of Amended Substitute House Bill No. 215 of the 122nd general assembly;
 - (h) Plus any additional amount paid in the applicable fiscal year pursuant to the special education recomputation required by former division (I) of section 3317.023 of the Revised Code;
 - (i) Plus any amount paid for equity aid in the applicable fiscal year under section 3317.0213 of the Revised Code;
 - (j) Plus any amount received for the applicable fiscal year pursuant to section 3317.027 of the Revised Code;
 - (k) Plus any amount received for the applicable fiscal year resulting from a recomputation made under division (B) of section 3317.022 of the Revised Code, as that section existed in the applicable fiscal year.
- (2) "State basic aid" for a district for any fiscal year after fiscal year 1999 means the sum of the following:
- (a) The amount computed for the district for base cost funding, special education funding, and vocational education funding under divisions (A), (C)(1) and ~~(5)~~ (4), and (E) of section 3317.022 and sections 3317.025 and 3317.027 of the Revised Code and DPIA aid under section 3317.029 of the Revised Code in the current fiscal year before any deduction or credit required by division (B), (D), (E), (F), (G), (H), (I), (J), (K), or (L) of section 3317.023 or division (J) of section 3317.029 of the Revised Code;
 - (b) Any amounts for which the district is eligible pursuant to division

(C) of section 3317.023, divisions (G), (P), and (R) of section 3317.024, and the supplemental unit allowance paid for gifted units under division (B) of section ~~3317.162~~ 3317.053 of the Revised Code;

(c) Any equity aid for which the district is eligible under section 3317.0213 of the Revised Code.

~~(3) "Adjusted FY 1999 actual aid" has the same meaning as in Section 18 of Am. Sub. H.B. 650 of the 122nd general assembly, as amended.~~

~~(4) "Vocational education set aside" means the up to \$24,193,118 earmarked for additional school district vocational education grants under appropriation item 200-545, vocational education enhancements, in Am. Sub. H.B. 770 of the 122nd general assembly.~~

(B) Upon request of the department of education, the treasurer of any school district or educational service center shall furnish data needed to calculate the amounts specified in divisions (A)(1)(e) and (f) of this section. The department shall compute and pay the state basic aid guarantee for each school district for the fiscal year as follows:

(1) Subtract the amount of state basic aid from the amount of fundamental FY 1998 state aid. If a negative number, this computation shall be deemed to be zero.

(2) Pay the district any positive amount calculated under division (B)(1) of this section.

~~(C) In fiscal year 2000, the department shall calculate for each district the sum of the district's state basic aid for that fiscal year, plus any amount calculated under division (B)(1) of this section, plus the transportation portion of state aid computed for the district for that fiscal year under division (D) of the version of section 3317.022 of the Revised Code in effect that fiscal year. If a district's adjusted FY 1999 actual aid is greater than that sum, then the department shall pay the district in that fiscal year one hundred per cent of the difference.~~

~~(D)~~(1) The state basic aid guarantee in any fiscal year for a school district with a formula ADM of one hundred fifty or less shall be the greatest of the following amounts:

- (a) The district's state basic aid for the fiscal year;
- (b) The district's fundamental FY 1998 state aid;
- (c) The district's fundamental FY 1997 state aid.

(2) If in any fiscal year the state basic aid for a school district with a formula ADM of one hundred fifty or less is less than the guarantee amount determined for the district under division ~~(D)~~(C)(1) of this section, the department of education shall pay the district the amount of the difference.

Sec. 3317.0213. No money shall be distributed under this section after

fiscal year ~~2002~~ 2005.

(A) As used in this section:

(1) "ADM" for any school district means:

(a) In fiscal year 1999, the FY 1998 ADM;

(b) In fiscal years 2000 through ~~2002~~ 2005, the formula ADM reported for the previous fiscal year.

(2) "Average taxable value" means the average of the amounts certified for a district in the second, third, and fourth preceding fiscal years under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(3) "Valuation per pupil" for a district means:

(a) In fiscal year 1999, the district's average taxable value, divided by the district's FY 1998 ADM;

(b) In a fiscal year that occurs after fiscal year 1999, the district's average taxable value, divided by the district's formula ADM for the preceding fiscal year.

(4) "Threshold valuation" means:

(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;

(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;

(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;

(d) In fiscal ~~year~~ years 2002 through 2005, the adjusted valuation per pupil of the district with the one-hundred-eighteenth lowest such valuation in the state.

(5) "Adjusted valuation per pupil" for a district means an amount calculated in accordance with the following formula:

$$\begin{aligned} &\text{The district's valuation per pupil -} \\ &(\$30,000 \times (\text{one minus the} \\ &\quad \text{district's income factor})) \end{aligned}$$

(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 taxable value recognized valuation.~~

~~(4) "Total receipts available for current expenses" of a school district means the sum of total taxes charged and payable for current expenses and the district's state equalization enhancement payments.~~

~~(5) "Local share of special education and related services additional weighted costs" has the same meaning as in division (C)(3) of section 3317.022 of the Revised Code.~~

~~(6) "Local share of vocational education and associated services additional weighted costs" for each school district means the amount determined as follows:~~

~~(1 - state share percentage as defined in section 3317.022 of the Revised Code) X [(total vocational education weight as defined in that section X the formula amount) + the district's payment under division (E)(2) of section 3317.022 of the Revised Code]~~

(3) Until fiscal year 2003, the "actual local share of special education, transportation, and vocational education funding" for any school district means the sum of the district's attributed local shares described in divisions (F)(1) to (3) of section 3317.022 of the Revised Code. Beginning in fiscal year 2003, the "actual local share of special education, transportation, and vocational education funding" means that sum minus the amount of any

excess cost supplement payment calculated for the district under division (F) of section 3317.022 of the Revised Code.

(B) Upon receiving the certifications under section 3317.021 of the Revised Code, the department of education shall determine for each city, local, and exempted village school district whether the district's charge-off amount is greater than the district's total ~~receipts available~~ taxes charged and payable for current expenses, and if it is, shall pay the district the amount of the difference. A payment shall not be made to any school district for which the computation under division (A) of section 3317.022 of the Revised Code equals zero.

(C)(1) If a district's charge-off amount is equal to or greater than its total ~~receipts available~~ taxes charged and payable for current expenses, the department shall, in addition to the payment required under division (B) of this section, pay the district the amount of ~~the~~ its actual local share of special education ~~and related services additional weighted costs, transportation, and the amount of the local share of vocational education and associated services additional weighted costs~~ funding.

(2) If a district's charge-off amount is less than its total ~~receipts available~~ taxes charged and payable for current expenses, the department shall pay the district any amount by which ~~the sum of its actual~~ local share of special education ~~and related services additional weighted costs plus its local share of, transportation, and vocational education and associated services additional weighted costs~~ funding exceeds its total ~~receipts available~~ taxes charged and payable for current expenses minus its charge-off amount.

Sec. 3317.0217. The department of education shall annually compute and pay state parity aid to school districts, as follows:

(A) Calculate the local wealth per pupil of each school district, which equals the following sum:

(1) Two-thirds times the quotient of (a) the district's recognized valuation divided by (b) its formula ADM; plus

(2) One-third times the quotient of (a) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (b) its formula ADM.

(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.

(C) Compute the per pupil state parity aid funding for each school district in accordance with the following formula:

Payment percentage X (threshold local wealth per pupil - the district's local wealth per pupil) X 0.0095

Where:

(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.

(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.

(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.

If the result of the calculation for a school district under division (C) of this section is less than zero, the district's per pupil parity aid shall be zero.

(D) Compute the per pupil alternative parity aid for each school district that has a combination of an income factor of 1.0 or less, a DPIA index of 1.0 or greater, and a cost-of-doing-business factor of 1.0375 or greater, in accordance with the following formula:

Payment percentage X \$60,000 X
(1 - income factor) X 4/15 X 0.023

Where:

(1) "DPIA index" has the same meaning as in section 3317.029 of the Revised Code.

(2) "Payment percentage," for purposes of division (D) of this section, equals 50% in fiscal year 2002 and 100% after fiscal year 2002.

(E) Pay each district that has a combination of an income factor 1.0 or less, a DPIA index of 1.0 or greater, and a cost-of-doing-business factor of 1.0375 or greater, the greater of the following:

(1) The product of the district's per pupil parity aid calculated under division (C) of this section times its formula ADM;

(2) The product of its per pupil alternative parity aid calculated under division (D) of this section times its formula ADM.

(F) Pay every other district the product of its per pupil parity aid calculated under division (C) of this section times its formula ADM.

Every six years, the general assembly shall redetermine, after considering the report of the committee appointed under section 3317.012 of the Revised Code, the average number of effective operating mills that districts in the seventieth to ninetieth percentiles of valuations per pupil collect above the revenues required to finance their attributed local shares of the cost of an adequate education.

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, any student enrolled in kindergarten more than half time shall be reported as one-half student under this section.

(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, which shall consist of the average daily membership during such week of the sum of the following:

(1) On an FTE basis, the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of

the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district;

(f) Another school district under a cooperative education agreement, compact, or contract.

(3) One-fourth of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;

(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the following student counts:

(1) The total average daily membership in regular day classes included in the report under division (A)(1) or (2) of this section for kindergarten, and each of grades one through twelve in schools under the superintendent's supervision;

(2) The number of all handicapped preschool children enrolled as of the first day of December in classes in the district that are eligible for approval by the state board of education under division (B) of section 3317.05 of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with rules adopted under that section;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are participating in a pilot project scholarship program established under

sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section, are enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, are enrolled in an adjacent or other school district under section 3313.98 of the Revised Code, are enrolled in a 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 special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;

(10) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;

(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other

than a joint vocational school district, or by an educational service center;

~~(9)~~(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint vocational school district, or by an educational service center;

~~(10)~~(13) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;

~~(11)~~(14)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;

(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive ~~category one~~ special education services; for the category one handicap described in division (A) of section 3317.013 of the Revised Code;

(c) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive ~~category two~~ special education services; for category two handicaps described in division (B) of section 3317.013 of the Revised Code;

(d) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive ~~category three~~ special education services; for category three handicaps described in division ~~(F)~~~~(3)~~~~(C)~~ of section ~~3317.02~~ 3317.013 of the Revised Code;

(e) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;

(f) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;

(g) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code.

(C) Except as otherwise provided in this section for kindergarten students, the average daily membership in divisions (B)(1) to ~~(9)~~(12) of this

section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section. No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division (A), divisions (B)(1) to ~~(9)(12)~~, or division (D) of this section, except as follows:

(1) A child with a handicap described in section 3317.013 ~~or division (F)(3) of section 3317.02~~ of the Revised Code may be counted both in formula ADM and in category one, two, ~~or three~~, four, five, or six special education ADM and, if applicable, in category one or two vocational education ADM. As provided in division (C) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, ~~or three~~, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(2) A child enrolled in vocational education programs or classes described in section 3314.014 of the Revised Code may be counted both in formula ADM and category one or two vocational education ADM and, if applicable, in category one, two, ~~or three~~, four, five, or six special education ADM. Such a child shall be counted in category one or two vocational education ADM in the same proportion as the percentage of time that the child spends in the vocational education programs or classes.

Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, which shall consist of the average daily membership during such week, on an FTE basis, of the number of students receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students:

(a) Students enrolled in each grade included in the joint vocational district schools;

(b) Handicapped children receiving ~~category one~~ special education services; for the category one handicap described in division (A) of section 3317.013 of the Revised Code;

(c) Handicapped children receiving ~~category two~~ special education services; for the category two handicaps described in division (B) of section 3317.013 of the Revised Code;

(d) Handicapped children ~~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;

(e) Handicapped children receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;

(f) Handicapped children receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;

(g) Handicapped children receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;

(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;

~~(i)~~ Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.

The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership

figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a public high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) of that section;

(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge.

If, however, any veteran described by division (E)(4)(~~b~~) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in average daily membership.

Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the test to the specific pupil. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

Except as provided in division (B)(2) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the first full school week in October by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized

reasons, and those handicapped children currently receiving home instruction.

The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public instruction shall use the increased formula ADM in calculating or recalculating the amounts to be allocated in accordance with section 3317.022 or 3317.16 of the Revised Code. In no event shall the superintendent use an increased membership certified to the superintendent after the fifteenth day of February.

(2) If on the first school day of April the total number of classes or units for handicapped preschool children that are eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the state board of education determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the board shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department of education shall pay an amount computed in the manner prescribed in section ~~3317.161~~ 3317.052 or 3317.19 and section ~~3317.162~~ 3317.053 of the Revised Code.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education the average daily membership of all handicapped children in classes or programs approved annually by the state board of education, in the manner prescribed by the superintendent of public instruction.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall,

for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved by the state board of education pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes ~~and units approved under division (D)(1) of~~ under section 3317.05 3317.20 of the Revised Code for each school district that has placed children in the classes ~~or units~~;

(b) Certify to the state board, in the manner prescribed by the board, the number of all handicapped preschool children enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

~~(3)(a) If during the first full school week in February the average daily membership of the classes or units maintained by the county MR/DD board that are eligible for approval under division (D)(1) of section 3317.05 of the Revised Code is greater than the average daily membership for the preceding October, the superintendent of the board shall make the certifications required by this section for such week.~~

~~(b)~~ If on the first school day of April the number of classes or units maintained for handicapped preschool children by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.

~~(e)~~(b) If the state board determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (G)(3)(a) ~~or (b)~~ of this section, the board shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department of education shall pay an amount computed in the manner prescribed in sections ~~3317.161 3317.052 and 3317.162~~ 3317.053 of the Revised Code.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that

district's formula ADM or included in the determination of any unit approved for the district under section 3317.05 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily membership.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 through 3313.979 of the Revised Code may count in average daily membership:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

Sec. 3317.05. (A) For the purpose of calculating payments under sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code, the state board of education shall determine for each institution, by the last day of January of each year and based on information certified under section 3317.03 of the Revised Code, the number of vocational education units or fractions of units approved by the state board on the basis of standards and rules adopted by the state board. As used in this division, "institution" means an institution operated by a department specified in section 3323.091 of the Revised Code and that provides vocational education programs under the supervision of the division of vocational education of the department of education that meet the standards and rules for these programs, including licensure of professional staff involved in the programs, as established by

the state board of education.

(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 eligible for payment under section 3323.091 of the Revised Code, and for each county MR/DD board: the number of classes operated by the school district, service center, institution, or county MR/DD board for handicapped preschool children, or fraction thereof, including in the case of a district or service center that is a funding agent, classes taught by a licensed teacher employed by that district or service center under section 3313.841 of the Revised Code, approved annually by the state board on the basis of standards and rules adopted by the state board.

(C) 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 school district, including each cooperative education school district, for each institution eligible for payment under section 3323.091 of the Revised Code, and for each county MR/DD board: the number of preschool handicapped related services units for child study, occupational, physical, or speech and hearing therapy, special education supervisors, and special education coordinators approved annually by the state board on the basis of standards and rules adopted by the state board.

(D) For the purpose of calculating payments under sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code, the state board shall determine, based on information certified under section 3317.03 of the Revised Code, the following by the last day of January of each year for each institution eligible for payment under section 3323.091 of the Revised Code; ~~and for each county MR/DD board:~~

(1) The number of classes operated by an institution ~~or county MR/DD board~~ for handicapped children other than handicapped preschool children, or fraction thereof, approved annually by the state board on the basis of standards and rules adopted by the state board;

(2) The number of related services units for children other than handicapped preschool children for child study, occupational, physical, or speech and hearing therapy, special education supervisors, and special education coordinators approved annually by the state board on the basis of

standards and rules adopted by the state board.

(E) All of the arithmetical calculations made under this section shall be carried to the second decimal place. The total number of units for school districts, service centers, and institutions approved annually by the state board under this section shall not exceed the number of units included in the state board's estimate of cost for these units and appropriations made for them by the general assembly.

In the case of units described in division (D)(1) of this section operated by ~~county MR/DD boards and~~ institutions eligible for payment under section 3323.091 of the Revised Code, the state board shall approve only units for persons who are under age twenty-two on the first day of the academic year, but not less than six years of age on the thirtieth day of September of that year, except that such a unit may include one or more children who are under six years of age on the thirtieth day of September if such children have been admitted to the unit pursuant to rules of the state board. In the case of handicapped preschool units described in division (B) of this section operated by county MR/DD boards and institutions eligible for payment under section 3323.091 of the Revised Code, the state board shall approve only preschool units for children who are under age six but not less than age three on the thirtieth day of September of the academic year, except that such a unit may include one or more children who are under age three or are age six or over on the thirtieth day of September if such children have been admitted to the unit pursuant to rules of the state board of education. The number of units for county MR/DD boards and institutions eligible for payment under section 3323.091 of the Revised Code approved by the state board under this section shall not exceed the number that can be funded with appropriations made for such purposes by the general assembly.

No unit shall be approved under divisions (B) to (D) of this section unless a plan has been submitted and approved under Chapter 3323. of the Revised Code.

(F) The department shall approve units or fractions thereof for gifted children on the basis of standards and rules adopted by the board.

Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 3317.11 of the Revised Code, a unit funded pursuant to division (P) of section 3317.024 or division (A)(2) of section ~~3317.164~~ 3317.052 of the Revised Code shall not be approved for state funding in one school district, including any cooperative education school district or any educational service center, to the extent that such unit provides programs in or services to another district which receives payment pursuant to section 3317.04 of the Revised Code.

(2) Any city, local, exempted village, or cooperative education school

district or any educational service center may combine partial unit eligibility for handicapped preschool programs pursuant to section 3317.05 of the Revised Code, and such combined partial units may be approved for state funding in one school district or service center.

(B) After units have been initially approved for any fiscal year under section 3317.05 of the Revised Code, no unit shall be subsequently transferred from a school district or educational service center to another city, exempted village, local, or cooperative education school district or educational service center or to an institution or county MR/DD board solely for the purpose of reducing the financial obligations of the school district in a fiscal year it receives payment pursuant to section 3317.04 of the Revised Code.

Sec. ~~3317.161~~ 3317.052. As used in this section, "institution" means an institution operated by a department specified in section 3323.091 of the Revised Code.

(A)(1) The department of education shall pay each school district, educational service center, institution eligible for payment under section 3323.091 of the Revised Code, or county MR/DD board an amount for the total of all classroom units for handicapped preschool children approved under division (B) of section 3317.05 of the Revised Code. For each unit, the amount shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment, plus fifteen per cent of that minimum salary amount, and eight thousand twenty-three dollars.

(2) The department shall pay each school district, educational service center, institution eligible for payment under section 3323.091 of the Revised Code, or county MR/DD board an amount for the total of all related services units for handicapped preschool children approved under division (C) of section 3317.05 of the Revised Code. For each such unit, the amount shall be the sum of the minimum salary for the teacher of the unit calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment, fifteen per cent of that minimum salary amount, and two thousand one hundred thirty-two dollars.

~~(B) If a school district or educational service center has had additional handicapped preschool units approved for the year under division (F)(2) of section 3317.03 of the Revised Code, or if a county MR/DD board has had~~

additional handicapped preschool units approved for the year under division ~~(F)(2)~~ or (G)(3) of section 3317.03 of the Revised Code, the district, educational service center, or board shall receive an additional amount during the last half of the fiscal year. For each district, center, or board, the additional amount for each unit shall equal fifty per cent of the amounts computed for the unit in the manner prescribed by division (A) of this section and division (C) of section ~~3317.162~~ 3317.053 of the Revised Code.

(C)(1) The department shall pay each institution eligible for payment under section 3323.091 of the Revised Code or county MR/DD board an amount for the total of all special education units approved under division (D)(1) of section 3317.05 of the Revised Code. The amount for each unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment, plus fifteen per cent of that minimum salary amount, and eight thousand twenty-three dollars.

(2) The department shall pay each institution eligible for payment under section 3323.091 of the Revised Code ~~or county MR/DD board~~ an amount for the total of all related services units approved under division (D)(2) of section 3317.05 of the Revised Code. The amount for each unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment, plus fifteen per cent of that minimum salary amount, and two thousand one hundred thirty-two dollars.

~~(3) If a county MR/DD board has had additional units for handicapped children other than handicapped preschool children approved under division (G)(3) of section 3317.03 of the Revised Code, the board shall receive an additional amount during the last half of the fiscal year. For each board, the additional amount for each unit shall equal fifty per cent of the amount computed for the unit in the manner prescribed by division (C)(1) of this section and division (C) of section 3317.162 of the Revised Code.~~

(D) The department shall pay each institution approved for vocational education units under division (A) of section 3317.05 of the Revised Code an amount for the total of all the units approved under that division. The amount for each unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of

ion 3317.13 of the Revised Code in effect prior to the effective date of this amendment, plus fifteen per cent of that minimum salary amount, and nine thousand five hundred ten dollars.

Sec. ~~3317.162~~ 3317.053. (A) As used in this section:

(1) "State share percentage" has the same meaning as in section 3317.022 of the Revised Code.

(2) "Dollar amount" means the amount shown in the following table for the corresponding type of unit ~~and the appropriate fiscal year:~~

TYPE OF UNIT	DOLLAR AMOUNT	
	FY 2000	FY 2001
Division (B) of section 3317.05 of the Revised Code	\$8,334	\$8,334
Division (C) of that section	\$3,234	\$3,234
Division (F) of that section	\$4,550	\$5,550

(3) "Average unit amount" means the amount shown in the following table for the corresponding type of unit:

TYPE OF UNIT	AVERAGE UNIT AMOUNT	
	FY 2000	FY 2001
Division (B) of section 3317.05 of the Revised Code	\$7,799	\$7,799
Division (C) of that section	\$2,966	\$2,966
Division (F) of that section	\$4,251	\$5,251

(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 following independent and fully severable purposes:

(A) To purchase such secular textbooks or electronic textbooks as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or electronic textbooks to pupils attending nonpublic schools within the district or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests for the loan of textbooks or electronic textbooks shall, for administrative convenience, be submitted by the nonpublic school pupil or the pupil's parent to the nonpublic school, which shall prepare and submit collective summaries of the individual requests to the school district. As used in this section:

(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the pupil regularly attends.

(2) "Electronic textbook" means computer software, interactive videodisc, magnetic media, CD-ROM, computer courseware, local and remote computer assisted instruction, on-line service, electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means.

(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district. Such service shall be provided in the nonpublic school attended by the pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance and counseling services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district such standardized tests and scoring services as are in use in the

public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district and are handicapped children as defined in division (A) of section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs 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.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer software (including site-licensing), prerecorded video laserdiscs, digital video on demand (DVD), compact discs, and video cassette cartridges, wide area connectivity and related technology as it relates to internet access, mathematics or science equipment and materials, instructional materials, and school library materials that are in general use in the public schools of the state and loan such items to pupils attending nonpublic schools within the district or to their parents, and to hire clerical personnel to administer the lending program. Only such items that are incapable of diversion to religious use and that are susceptible of loan to individual pupils and are furnished for the use of individual pupils shall be purchased and loaned under this division. As used in this section, "instructional materials" means prepared learning materials that are secular, neutral, and nonideological in character and are of benefit to the instruction of school children, and may include educational resources and services developed by the Ohio schoolnet commission.

(L) To purchase or lease instructional equipment, including computer hardware and related equipment in general use in the public schools of the state, for use by pupils attending nonpublic schools within the district and to loan such items to pupils attending nonpublic schools within the district or to their parents, and to hire clerical personnel to administer the lending program.

(M) To purchase mobile units to be used for the provision of services pursuant to divisions (E), (F), (G), and (I) of this section and to pay for necessary repairs and operating costs associated with these units.

Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic

schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services.

All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency.

Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it under division (L) of section 3317.024 of the Revised Code unless a special transportation request is submitted by the parent of the child receiving service pursuant to such divisions. If such an application is presented to the school district, it may pay for the transportation from moneys paid to it under division (L) of section 3317.024 of the Revised Code.

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 schools located in the district.

Payments made to city, local, and exempted village school districts under this section shall be equal to specific appropriations made for the purpose. All interest earned by a school district on such payments shall be used by the district for the same purposes and in the same manner as the payments may be used.

The department of education shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts shall be reimbursed for administrative costs incurred in providing such programs and services, and under which any unexpended balance of the amounts appropriated by the general assembly to implement this section may be transferred to the auxiliary services personnel unemployment compensation fund established pursuant to section 4141.47 of the Revised Code. The department shall also adopt guidelines and procedures limiting the purchase and loan of the items described in division (K) of this section to items that are in general use in the public schools of the state, that are incapable of diversion to religious use, and that are susceptible to individual use rather than classroom use. Within thirty days after the end of each biennium, each board of education shall remit to the department all moneys paid to it under division (L) of section 3317.024 of the Revised Code and any interest earned on those moneys that are not required to pay expenses incurred under this section during the biennium for which the money was appropriated and during which the interest was earned. If a board of education subsequently determines that the remittal of moneys leaves the board with insufficient money to pay all valid expenses incurred under this section during the biennium for which the remitted money was appropriated, the board may apply to the department of education for a refund of money, not to exceed the amount of the insufficiency. If the department determines the expenses were lawfully incurred and would have been lawful expenditures of the refunded money, it shall certify its determination and the amount of the refund to be made to the director of job and family services who shall make a refund as provided in section 4141.47 of the Revised Code.

Sec. 3317.064. (A) There is hereby established in the state treasury the auxiliary services mobile unit replacement and repair fund. By the thirtieth day of January of each odd-numbered year, the director of job and family services and the superintendent of public instruction shall determine the amount of any excess moneys in the auxiliary services personnel unemployment compensation fund not reasonably necessary for the purposes of section 4141.47 of the Revised Code, and shall certify such amount to the director of budget and management for transfer to the

auxiliary services mobile unit replacement and repair fund. If the director of ~~jobs~~ job and family services and the superintendent disagree on such amount, the director of budget and management shall determine the amount to be transferred.

(B) Moneys in the auxiliary services mobile unit replacement and repair fund shall be used for the relocation or for the replacement and repair of mobile units used to provide the services specified in division (E), (F), (G), or (I) of section 3317.06 of the Revised Code ~~and for no other purposes~~. The state board of education shall adopt guidelines and procedures for replacement, repair, and relocation of mobile units and the procedures under which a school district may apply to receive moneys with which to repair or replace or relocate such units.

(C) School districts may apply to the department for moneys from the auxiliary services mobile unit replacement and repair fund for payment of incentives for early retirement and severance for school district personnel assigned to provide services authorized by section 3317.06 of the Revised Code at chartered nonpublic schools. The portion of the cost of any early retirement or severance incentive for any employee that is paid using money from the auxiliary services mobile unit replacement and repair fund shall not exceed the percentage of such employee's total service credit that the employee spent providing services to chartered nonpublic school students under section 3317.06 of the Revised Code.

Sec. 3317.10. (A) On or before the first day of March of each year, the department of job and family services shall certify to the state board of education the unduplicated number of children ages five through seventeen residing in each school district and living in a family that ~~participated in Ohio works first under Chapter 5107. of the Revised Code,~~ during the preceding October, had family income not exceeding the federal poverty guidelines as defined in section 5101.46 of the Revised Code and participated in one of the following:

- (1) Ohio works first;
- (2) The food stamp program;
- (3) The medical assistance program, including the healthy start program, established under Chapter 5111. of the Revised Code;
- (4) The children's health insurance program part I established under section 5101.50 of the Revised Code;
- (5) The disability assistance program established under Chapter 5115. of the Revised Code.

The department of job and family services shall certify this information according to the school district of residence for each child. Except as

provided under division (B) of this section, the number of children so certified in any year shall be used by the department of education in calculating the distribution of moneys for the ensuing fiscal year as provided in section 3317.029 of the Revised Code.

(B) Upon the transfer of part of the territory of one school district to the territory of one or more other school districts, the department of education may adjust the number of children certified under division (A) of this section for any district gaining or losing territory in such a transfer in order to take into account the effect of the transfer on the number of such children ~~ages five through seventeen~~ who reside in the district ~~and live in a family that participates in Ohio works first~~. Within sixty days of receipt of a request for information from the department of education, the department of job and family services shall provide any information the department of education determines is necessary to make such adjustments. The department of education may use the adjusted number for any district for the applicable fiscal year, in lieu of the number certified for the district for that fiscal year under division (A) of this section, in the calculation of the distribution of moneys provided in section 3317.029 of the Revised Code.

Sec. 3317.11. (A) Annually, on or before a date designated by the state board of education, each educational service center governing board shall prepare a budget of operating expenses for the ensuing year for the service center on forms prepared and furnished by the state board of education and shall certify the budget to the state board of education, together with such other information as the board may require. Such budget shall consist of two parts. Part (A) shall include the cost of the salaries, employers retirement contributions, and travel expenses of supervisory teachers approved by the state board of education. The amount derived from the calculation for such units in part (A) of the governing board budget shall be the sum of:

(1) The sum of the minimum salaries calculated, pursuant to section 3317.13 of the Revised Code, for each approved licensed employee of the governing board;

(2) An additional salary allowance proportional to the length of the extended term of service not to exceed three months for each supervisory and child study teacher whose term of service in any year is extended beyond the terms of service of regular classroom teachers;

(3) An allowance equal to fifteen per cent of the amount computed under division (A)(1) of this section;

(4) An allowance for necessary travel expenses, for each of the personnel approved in part (A) of the budget, limited to two hundred twenty-three dollars and sixteen cents per month, or two thousand six

hundred seventy-eight dollars per year per person employed, whichever is the lesser.

Part (B) shall include the cost of all other lawful expenditures of the governing board. The state board of education shall review such budget and may approve, increase, or decrease such budget.

The governing board shall be reimbursed by the state board of education from state funds for the cost of part (A) of the budget. The governing board shall be reimbursed by the state board of education, from state funds for the cost of part (B) of the approved budget that is in excess of six dollars and fifty cents times the service center ADM. If the governing board provides services to city or exempted village school districts pursuant to section 3313.843 of the Revised Code, the governing board shall be reimbursed from state funds for the cost of part (B) of the budget that is in excess of six dollars and fifty cents times the sum of the service center ADM and the client ADMs of the city or exempted village districts to which such services are provided. The cost of part (B) not in excess of six dollars and fifty cents times the number of such ADM shall be apportioned by the state board of education among the local school districts in the territory of the service center, or among all districts to which the governing board provides services, on the basis of the total number of pupils in each school district.

If part (B) of the budget is in excess of that approved by the state board of education, the excess cost shall be apportioned by the state board of education among the local school districts in the territory of the service center on the basis of the total number of such pupils in each such school district, provided that a majority of the boards of education of such local school districts approve such apportionment. The state board of education shall initiate and supervise the procedure by which the local boards shall approve or disapprove such apportionment.

The amounts so apportioned shall be certified to the treasurers of the various school districts. In the case of each district such amount shall be deducted by the state board of education from funds allocated to the district pursuant to division (E) of section 3317.023 of the Revised Code.

The state board of education shall certify to the director of budget and management for payment the total of the deductions, whereupon the amount shall be paid to the governing board of each service center, to be deposited to the credit of a separate fund, hereby created, to be known as the educational service center governing board fund.

An educational service center may provide special education to students in its local districts or in client districts. A service center is eligible for funding under division (J) of section 3317.024 of the Revised Code and

eligible for state subsidies for the purchase of school buses under section 3317.07 of the Revised Code. Special education units for gifted children may be operated by a governing board. Vocational education may be provided by a governing board. A governing board may conduct driver education for pupils enrolled in a high school for which the state board of education prescribes minimum standards.

Every local school district shall be provided supervisory services by its governing board as approved by the state board of education. A city or exempted village school district shall be considered to be provided supervisory services by a governing board if it has entered into an agreement for the governing board to provide any services under section 3313.843 of the Revised Code. Supervisory services shall not exceed one supervisory teacher for the first fifty classroom teachers employed in all districts that are provided supervisory services calculated under section 3317.023 of the Revised Code and one supervisory teacher for every additional one hundred such classroom teachers so calculated. Reimbursement for such supervisory services shall be a deduction by the state board of education from the payment to the school district pursuant to division (E) of section 3317.023 of the Revised Code. Deductions for all supervisory services and extended services for supervisory and child study shall be apportioned among local school districts within the territory of the service center and any city or exempted village districts that have entered into agreements with a service center pursuant to section 3313.843 of the Revised Code by the state board of education on the basis of the total number of pupils in each school district, except that where such services are provided to districts other than local school districts within the service center territory and city or exempted village districts having agreements with the service center, such charges shall be apportioned among all participating districts on the basis of the total number of pupils in each school district. All deductions from state funding to school districts required for reimbursement of governing boards by division (E) of section 3317.023 of the Revised Code shall be made from the total of the payment computed for the district under this chapter, after making any other adjustments in that payment required by law.

(B)(1) In addition to the payments made under division (A) of this section, except as otherwise provided in division (C) of this section, the department of education shall pay each governing board ~~the amount in the following schedule for the specified fiscal year, thirty-seven dollars~~ times the sum of the service center ADM and the sum of the client ADMs of all its client districts:

~~(a) In fiscal year 2000, thirty-six dollars;~~

~~(b) In in fiscal year 2001, thirty-seven dollars years 2002 and 2003.~~

(2) In addition to other payments under this section, the department shall pay each educational service center the amounts due to it from school districts pursuant to contracts, compacts, or agreements under which the service center furnishes services to the districts or their students. In order to receive payment under this division, an educational service center shall furnish either a copy of the applicable contract, compact, or agreement clearly indicating the amounts of the payments, or a written statement of the payments owed signed by the superintendent or treasurer of the responsible school district.

The amounts paid to service centers under division (B)(2) of this section shall be deducted from payments to school districts pursuant to division (K)(2) of section 3317.023 of the Revised Code.

(C) Each multicounty service center shall receive a payment each fiscal year equal to forty dollars and fifty-two cents times the sum of the service center ADM and the client ADMs of all its client districts.

(D) Each city, exempted village, local, joint vocational, or cooperative education school district shall pay to the governing board of an educational service center any amounts agreed to for each child enrolled in the district who receives special education and related services or vocational education from the educational service center.

(E) As used in this section:

(1) "Service center ADM" means the total of each of the following for all local school districts within the limits of an educational service center's territory:

(a) The formula ADM;

(b) The kindergarten average daily membership included in the formula ADM;

(c) Three-quarters of the number of students reported under division (B)(4) of section 3317.03 of the Revised Code;

(d) The average daily membership of handicapped preschool children reported under division (B)(2) of section 3317.03 of the Revised Code;

(e) The number of preschool students certified under division (B) of section 3317.032 of the Revised Code.

(2) "Client ADM" means the total of each number described under divisions (E)(1)(a) to (e) of this section for a client district.

(3) "Client district" means a city or exempted village school district that has entered into an agreement to receive services from a service center pursuant to section 3313.843 of the Revised Code.

(4) "Multicounty service center" means a service center that includes territory that formerly was included in the territory of at least three former service centers or county school districts, which former centers or districts engaged in one or more mergers pursuant to section 3311.053 of the Revised Code to form the present center.

Sec. 3317.13. (A) As used in this section and section 3317.14 of the Revised Code:

(1) "Years of service" includes the following:

(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant to this section, years of service shall include the sum of all years of the teacher's teaching service included in divisions (A)(1)(a), (b), (c), and (d) of this section; except that any school district or educational service center employing a teacher new to the district or educational service center shall grant such teacher a total of not more than ten years of service pursuant to divisions (A)(1)(b), (c), and (d) of this section.

Upon written complaint to the superintendent of public instruction that the board of education of a district or the governing board of an educational service center governing board has failed or refused to annually adopt a salary schedule or to pay salaries in accordance with the salary schedule set forth in division (C) of this section, the superintendent of public instruction shall cause to be made an immediate investigation of such complaint. If the superintendent finds that the conditions complained of exist, the superintendent shall order the board to correct such conditions within ten days from the date of the finding. No moneys shall be distributed to the district or educational service center under this chapter until the superintendent has satisfactory evidence of the board of education's full compliance with such order.

Each teacher shall be fully credited with placement in the appropriate academic training level column in the district's or educational service center's salary schedule with years of service properly credited pursuant to this section or section 3317.14 of the Revised Code. No rule shall be adopted or exercised by any board of education or educational service center governing board which restricts the placement or the crediting of annual salary increments for any teacher according to the appropriate academic training level column.

(C) Minimum salaries exclusive of retirement and sick leave for teachers shall be as follows:

Years of Service	Teachers with Less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher	
	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount
0	86.5	\$14,705 <u>17,300</u>	100.0	\$17,000 <u>20,000</u>	103.8	\$17,646 <u>20,760</u>	109.5	\$18,615 <u>21,900</u>
1	90.0	15,300 <u>18,000</u>	103.8	17,646 <u>20,760</u>	108.1	18,377 <u>21,620</u>	114.3	19,431 <u>22,860</u>
2	93.5	15,895 <u>18,700</u>	107.6	18,292 <u>21,520</u>	112.4	19,108 <u>22,480</u>	119.1	20,247 <u>23,820</u>
3	97.0	16,490 <u>19,400</u>	111.4	18,938 <u>22,280</u>	116.7	19,839 <u>23,340</u>	123.9	21,063 <u>24,780</u>
4	100.5	17,085	115.2	19,584	121.0	20,570	128.7	21,879

		<u>20,100</u>		<u>23,040</u>		<u>24,200</u>		<u>25,740</u>
5	104.0	17,680	119.0	20,230	125.3	21,301	133.5	22,695
		<u>20,800</u>		<u>23,800</u>		<u>25,060</u>		<u>26,700</u>
6	104.0	17,680	122.8	20,876	129.6	22,032	138.3	23,511
		<u>20,800</u>		<u>24,560</u>		<u>25,920</u>		<u>27,660</u>
7	104.0	17,680	126.6	21,522	133.9	22,763	143.1	24,327
		<u>20,800</u>		<u>25,320</u>		<u>26,780</u>		<u>28,620</u>
8	104.0	17,680	130.4	22,168	138.2	23,494	147.9	25,143
		<u>20,800</u>		<u>26,080</u>		<u>27,640</u>		<u>29,580</u>
9	104.0	17,680	134.2	22,814	142.5	24,225	152.7	25,959
		<u>20,800</u>		<u>26,840</u>		<u>28,500</u>		<u>30,540</u>
10	104.0	17,680	138.0	23,460	146.8	24,956	157.5	26,775
		<u>20,800</u>		<u>27,600</u>		<u>29,360</u>		<u>31,500</u>
11	104.0	17,680	141.8	24,106	151.1	25,687	162.3	27,591
		<u>20,800</u>		<u>28,360</u>		<u>30,220</u>		<u>32,460</u>

* Percentages represent the percentage which each salary is of the base amount.

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.

As used in this division:

(1) "Base amount" means ~~seventeen~~ twenty thousand dollars.

(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.

(D) For purposes of this section, all credited training shall be from a recognized college or university.

Sec. 3317.16. (A) As used in this section:

(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:

(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero.

(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:

cost-of-doing-business factor X
 the formula amount X
 the greater of formula ADM or
 three-year average formula ADM

The resultant number is the district's state share percentage.

(2) The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(1) of section 3317.022 of the Revised Code.

(3) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(4) of section 3317.022 of the Revised Code.

(4) The "~~adjusted total taxable value~~ recognized valuation" of a joint vocational school district shall be determined by adding the ~~adjusted total taxable values~~ recognized valuations of all its constituent school districts for the applicable fiscal year.

(B) The department of education shall compute and distribute state base cost funding to each joint vocational school district for the fiscal year in accordance with the following formula:

(cost-of-doing-business factor X
 formula amount X the greater of formula
 ADM or three-year average formula ADM) -
 (.0005 X ~~adjusted total taxable value~~ recognized valuation)

If the difference obtained under this division is a negative number, the district's computation shall be zero.

(C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula:

state share percentage X formula amount X
 total vocational education weight

(2) The department shall compute for each joint vocational school district state funds for vocational education associated services costs in accordance with the following formula:

state share percentage X .05 X
 the formula amount X the sum of
 categories one and two vocational
 education ADM

In any fiscal year, a joint vocational school district receiving funds under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for

vocational education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other vocational education services, vocational evaluation, and other purposes designated by the department. The department may deny payment under division (C)(2) of this section to any district that the department determines is not operating those services or is using funds paid under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, for other purposes.

(D)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each joint vocational school district in accordance with the following formula:

$$\frac{\text{state share percentage} \times \text{formula amount}}{\text{total special education weight}}$$

(2)(a) As used in this division, the "personnel allowance" means ~~twenty-five thousand dollars in fiscal year 2000 and thirty thousand dollars in fiscal year 2001~~ years 2002 and 2003.

(b) For the provision of speech services to students, including students who do not have individualized education programs prepared for them under Chapter 3323. of the Revised Code, and for no other purpose, the department shall pay each joint vocational school district an amount calculated under the following formula:

$$\frac{(\text{formula ADM divided by 2000}) \times \text{the personnel allowance} \times \text{state share percentage}}$$

(E)(2) If a joint vocational school district's costs for a fiscal year for a student in its ~~category three~~ categories one through six special education ADM ~~are twenty-five thousand dollars or more exceed the threshold catastrophic cost for serving the student, as specified in division (C)(3)(b) of section 3317.022 of the Revised Code~~, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) 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.

(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.

(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants.

~~(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:~~

~~(a) The amount the district spent on those related services in the preceding fiscal year;~~

~~(b) $\frac{1}{8} X$ {[cost-of-doing-business factor X the formula amount X (the category one special education ADM + category two special education ADM + category three special education ADM)] + the amount calculated for the fiscal year under division (D)(1) of this section + the local share of special education and related services additional weighted costs}.~~

~~(2) A joint vocational school district's local share of special education and related services additional weighted costs equals:~~

$$\begin{aligned} & (1 - \text{state share percentage}) X \\ & \text{Total special education weight X} \\ & \text{the formula amount} \end{aligned}$$

(H) In any fiscal year, if the total of all payments made to a joint vocational school district under divisions (B) to (D) of this section and division (R) of section 3317.024 of the Revised Code is less than the amount that district received in fiscal year 1999 under the version of this section in effect that year, plus the amount that district received under the version of section 3317.162 of the Revised Code in effect that year and minus the amounts received that year for driver education and adult education, the department shall pay the district an additional amount equal to the difference between those two amounts.

~~(I) In fiscal years 2000 and 2001, each joint vocational school district shall continue to offer the same number of the vocational education programs that the district offered in fiscal year 1999, unless the department of education expressly agrees that the district may offer fewer programs in either or both fiscal year 2000 or 2001.~~

Sec. 3317.19. (A) As used in this section, "total unit allowance" means an amount equal to the sum of the following:

(1) The total of the salary allowances for the teachers employed in the

cooperative education school district for all units approved under division (B) or (C) of section 3317.05 of the Revised Code. The salary allowance for each unit shall equal the minimum salary for the teacher of the unit calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment.

(2) Fifteen per cent of the total computed under division (A)(1) of this section;

(3) The total of the unit operating allowances for all approved units. The amount of each allowance shall equal one of the following:

(a) Eight thousand twenty-three dollars times the number of preschool handicapped units or fraction thereof approved for the year under division (B) of section 3317.05 of the Revised Code;

(b) Two thousand one hundred thirty-two dollars times the number of units or fraction thereof approved for the year under division (C) of section 3317.05 of the Revised Code.

(B) The state board of education shall compute and distribute to each cooperative education school district for each fiscal year an amount equal to the sum of the following:

(1) An amount equal to the total of the amounts credited to the cooperative education school district pursuant to division (K) of section 3317.023 of the Revised Code;

(2) The total unit allowance;

(3) An amount for assisting in providing free lunches to needy children and an amount for assisting needy school districts in purchasing necessary equipment for food preparation pursuant to division (K) of section 3317.024 of the Revised Code.

(C) If a cooperative education school district has had additional special education units approved for the year under division (F)(2) of section 3317.03 of the Revised Code, the 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.

Sec. 3317.20. This section does not apply to handicapped preschool children.

(A) As used in this section:

(1) "Applicable weight" means:

~~(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;~~

~~(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.~~

(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.

(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.

~~(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.~~

~~(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:

$$\begin{aligned} & \text{(formula amount X the cost-of-doing-business factor} \\ & \quad \text{for the child's school district) +} \\ & \text{(state share percentage X formula amount X} \\ & \quad \text{the applicable weight)} \end{aligned}$$

~~(D)~~(C) If any school district places with a county MR/DD board more handicapped children than it had placed with a county MR/DD board in fiscal year 1998, the department shall not make a payment under division ~~(C)~~(B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter, and pay to the county MR/DD board, an amount calculated in accordance with the formula prescribed in division ~~(C)~~(B) of this section for each child over the number of children placed in fiscal year 1998.

~~(E)~~(D) The department shall calculate for each county MR/DD board receiving payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of this section the following amounts:

(1) The amount received by the county MR/DD board for approved special education and related services units, other than preschool

apped units, in fiscal year 1998, divided by the total number of children served in the units that year;

(2) The product of the quotient calculated under division ~~(E)~~(D)(1) of this section times the number of children for whom payments are made under divisions ~~(C)~~(B) and ~~(D)~~(C) of this section.

If the amount calculated under division ~~(E)~~(D)(2) of this section is greater than the total amount calculated under divisions ~~(C)~~(B) and ~~(D)~~(C) of this section, the department shall pay the county MR/DD board one hundred per cent of the difference in addition to the payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of this section.

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the Revised Code:

(A) "Ohio school facilities commission" means the commission created pursuant to section 3318.30 of the Revised Code.

(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.

(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.

(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.

(E) "School district board" means the board of education of a school district.

(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 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

ccordance 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 one per cent of the basic project costs times the percentile in which the district ranks.

(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio school facilities commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the grade levels to be housed in the classroom facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of insuring the project until it is completed, any contingency reserve amount prescribed by the commission under section 3318.086 of the Revised Code, and the professional planning, administration, and design fees that a district may have to pay to undertake a classroom facilities project.

"Basic project cost" also includes the value of classroom facilities authorized in a pre-existing bond issue as described in section 3318.033 of the Revised Code.

(M) A "school district's portion of the basic project cost" means the

amount determined under section 3318.032 of the Revised Code.

(N) "Child day-care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the district is ranked pursuant to division (D) of section 3318.011 of the Revised Code.

(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.

(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.

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 project cost or, if the state's portion exceeds twenty-five million dollars, the amount approved under this section to be encumbered in the current fiscal biennium.

The basic project cost for a project approved under this section shall not exceed the cost that would otherwise have to be incurred if the classroom facilities to be constructed, acquired, or reconstructed, or the additions to be

made to classroom facilities, under such project meet, but do not exceed, the specifications for plans and materials for classroom facilities adopted by the commission.

(B)(1) No school district shall have a project conditionally approved pursuant to this section if the school district has already received any assistance for a project funded under any version of sections 3318.01 to 3318.20 of the Revised Code, and the prior project was one for which the electors of such district approved a levy within the last twenty years pursuant to any version of section 3318.06 of the Revised Code for purposes of qualifying for the funding of that project, unless the district demonstrates to the satisfaction of the commission that the district has experienced since approval of its prior project an exceptional increase in enrollment significantly above the district's design capacity under that prior project as determined by rule of the commission.

(2) Notwithstanding division (B)(1) of this section, any school district that received assistance under sections 3318.01 to 3318.20 of the Revised Code, as those sections existed prior to May 20, 1997, may receive additional assistance under those sections, as they exist on and after May 20, 1997, prior to the expiration of the period of time required under division (B)(1) of this section, if the percentile in which the school district is located, as determined under section 3318.011 of the Revised Code, is eligible for assistance as prescribed in section 3318.02 of the Revised Code.

The commission may provide assistance under sections 3318.01 to 3318.20 of the Revised Code pursuant to this division to no more than five school districts per fiscal year until all eligible school districts have received the additional assistance authorized under this division. The commission shall establish application procedures, deadlines, and priorities for funding projects under this division.

The commission at its discretion may waive current design specifications it has adopted for projects under sections 3318.01 to 3318.20 of the Revised Code when assessing an application for additional assistance under this division for the renovation of classroom facilities constructed or renovated under a school district's previous project. If the commission finds that a school district's existing classroom facilities are adequate to meet all of the school district's needs, the commission may determine that no additional state assistance be awarded to a school district under this division.

~~In order for a school district to be eligible to receive any additional assistance under this division, the school district electors shall extend the school district's existing levy dedicated for maintenance of classroom facilities under Chapter 3318. of the Revised Code, pursuant to section~~

~~3318.061 of the Revised Code or shall provide equivalent alternative maintenance funds as specified in division (B) of section 3318.06 of the Revised Code.~~

(3) Notwithstanding division (B)(1) of this section, any school district that has received assistance under sections 3318.01 to 3318.20 of the Revised Code after May 20, 1997, may receive additional assistance if the commission decides in favor of providing such assistance pursuant to section 3318.042 of the Revised Code.

Sec. 3318.042. (A) The board of education of any school district that is receiving assistance under sections 3318.01 to 3318.20 of the Revised Code after May 20, 1997, and whose project is still under construction, may request that the Ohio school facilities commission examine whether the circumstances prescribed in either division (B)(1) or (2) of this section exist in the school district. If the commission so finds, the commission shall review the school district's original assessment and approved project under sections 3318.01 to 3318.20 of the Revised Code, and consider providing additional assistance to the school district to correct the prescribed conditions found to exist in the district. Additional assistance under this section shall be limited to additions to one or more buildings, remodeling of one or more buildings, or changes to the infrastructure of one or more buildings.

(B) Consideration of additional assistance to a school district under this section is warranted in either of the following circumstances:

(1) Additional work is needed to correct an oversight or deficiency not identified or included in the district's initial assessment.

(2) Other conditions exist that, in the opinion of the commission, warrant additions or remodeling of the project facilities or changes to infrastructure associated with the district's project that were not identified in the initial assessment and plan.

(C) If the commission decides in favor of providing additional assistance to any school district under this section, the school district shall be responsible for paying for its portion of the cost the additions, remodeling, or infrastructure changes pursuant to section 3318.083 of the Revised Code. If after making a financial evaluation of the school district, the commission determines that the school district is unable without undue hardship, according to the guidelines adopted by the commission, to fund the school district portion of the increase, then the state and the school district shall enter into an agreement whereby the state shall pay the portion of the cost increase attributable to the school district which is determined to be in excess of any local resources available to the district and the district

shall thereafter reimburse the state. The commission shall establish the district's schedule for reimbursing the state, which shall not extend beyond five years. Debt incurred under this section shall not be included in the calculation of the net indebtedness of the school district under section 133.06 of the Revised Code.

Sec. 3318.05. The conditional approval of the Ohio school facilities commission for a project shall lapse and the amount reserved and encumbered for such project shall be released unless the school district board accepts such conditional approval within one hundred twenty days following the date of certification of the conditional approval to the school district board and the electors of the school district vote favorably on ~~both of the propositions~~ proposition described in ~~divisions (A) and (B)~~ of this section within one year of the date of such certification, ~~except that a school district described in division (C) of this section does not need to submit the proposition described in division (B) of this section. The propositions described in divisions (A) and (B) of this section shall be combined in a single proposal.~~ If the district board or the district's electors fail to meet such requirements and the amount reserved and encumbered for the district's project is released, the district shall be given first priority for project funding as such funds become available.

~~(A) On~~ The proposition shall be on the question of issuing bonds of the school district board, for the school district's portion of the basic project cost, in an amount equal to the school district's portion of the basic project cost less any deduction made under section 3318.033 of the Revised Code; ~~and~~

~~(B) On the question of levying a tax the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project. Such tax shall be at the rate of not less than one half mill for each dollar of valuation for a period of twenty three years, subject to any extension approved under section 3318.061 of the Revised Code.~~

~~(C) If a school district has in place a tax levied under section 5705.21 of the Revised Code for general ongoing permanent improvements of at least two mills for each dollar of valuation and the proceeds of such tax can be used for maintenance, the school district need not levy the additional tax required under division (B) of this section, provided the school district board includes in the agreement entered into under section 3318.08 of the Revised Code provisions earmarking an amount from the proceeds of that permanent improvement tax for maintenance of classroom facilities equivalent to the amount of the additional tax and for the equivalent number of years otherwise required under this section.~~

~~(D) Proceeds of the tax to be used for maintenance of the classroom facilities under either division (B) or (C) of this section shall be deposited into a separate fund established by the school district for such purpose.~~

Sec. 3318.051. The proceeds of any tax dedicated for the maintenance of the classroom facilities specifically acquired by a school district under any project under Chapter 3318. of the Revised Code approved by the electors of the school district prior to the effective date of this section as required under former section 3318.05 of the Revised Code as it existed prior to the effective date this section, or any existing taxes or other school district revenues earmarked for maintenance by the school district board under agreement with the school facilities commission as permitted under former section 3318.05 or under section 3318.052 of the Revised Code, as those sections existed prior to the effective date of this section, shall not be required to be used for such purpose after the effective date of this section and may instead be used by the school district board to pay the cost of maintaining any classroom facilities owned or controlled by the school district board.

Sec. 3318.052. (A) At any time after the electors of a school district have approved either or both a property tax levied under section 5705.21 of the Revised Code for the purpose of general ongoing permanent improvements or under section 5705.218 of the Revised Code for the purpose of permanent improvements, or a school district income tax levied under Chapter 5748. of the Revised Code, the board of education of the school district may do all of the following:

(1) Within one year following the date of the certification of the conditional approval of the school district's classroom facilities project by the Ohio school facilities commission, enter into a written agreement with the commission, which may be part of an agreement entered into under section 3318.08 of the Revised Code, under which the school district board covenants and agrees to apply a specified amount of the proceeds of that property tax levy, of that school district income tax, or of securities issued under this section, or of proceeds from any two or more of those sources, to pay all or part of the district's portion of the basic project cost of its classroom facilities project.

(2) Receive as a credit against the amount of bonds required under sections 3318.05 and 3318.06 of the Revised Code, to be approved by the electors of the district and issued by the district board for the district's portion of the basic project cost of its classroom facilities project in order for the district to receive state assistance for the project, an amount equal to the specified amount that the district board covenants and agrees with the

commission to apply as set forth in division (A) (1) of this section.

(3) Apply the proceeds of either or both such taxes to the payment of debt charges on and financing costs related to securities issued under this section and to make any necessary transfers of funds arising from such a tax from the fund to which the proceeds of the tax are credited to the bond retirement fund established for those securities or to the project construction fund, as required pursuant to division (B) of section 3318.08 of the Revised Code.

(4) Issue securities to provide moneys to pay all or part of the district's portion of the basic project cost of its classroom facilities project in accordance with an agreement entered into under division (A) (1) of this section.

(B) Securities issued under this section shall be Chapter 133. securities and may be issued as general obligation securities or issued in anticipation of a school district income tax or as property tax anticipation notes under section 133.24 of the Revised Code. The district board's resolution authorizing the issuance and sale of general obligation securities under this section shall conform to the applicable requirements of section 133.22 or 133.23 of the Revised Code. Securities issued under this section shall have principal payments during each year after the year of issuance over a period of not more than twenty-three years and, if so determined by the district board, during the year of issuance. Securities issued under this section shall not be included in the calculation of net indebtedness of the district under section 133.06 of the Revised Code if the resolution of the district board authorizing their issuance and sale includes covenants to appropriate annually from the proceeds of the property tax levied or of the school district income tax referred to in division (A) of this section and to continue to levy and collect the tax in amounts necessary to pay the debt charges on and financing costs related to the securities as they become due. No such tax the proceeds of which are pledged, or that the school district board has covenanted to levy, collect, and appropriate annually, to pay the debt charges on and financing costs related to securities issued under this section shall be repealed while those securities are outstanding. If such a tax is reduced by the electors of the district or by the district board while those securities are outstanding, the school district board shall continue to levy and collect the tax under the authority of the original election authorizing the tax at a rate in each year that the board reasonably estimates will produce an amount in that year equal to the debt charges on the securities in that year.

No state moneys shall be released for a project to which this section

applies until the proceeds of the tax securities issued under this section that are dedicated for the payment of the district portion of the basic project cost of its classroom facilities project are first deposited into the district's project construction fund.

Sec. 3318.053. Notwithstanding any provision of this chapter to the contrary, a school district board may use proceeds from the tax described in former division (B) or (C) of section 3318.05 of the Revised Code, as either division existed immediately prior to the effective date of this amendment, for infrastructure improvements on and leading to the project sites that are not included in the basic project cost. The board may use proceeds of the tax in this manner only during the three-year period following the execution of the agreement under section 3318.08 of the Revised Code. If the board intends to use the proceeds of the tax in this manner, it shall include that fact as part of the purpose of the levy in the ballot language proposing it.

Sec. 3318.06. (A) After receipt of the conditional approval of the Ohio school facilities commission, the school district board by a majority of all of its members shall, if it desires to proceed with the project, declare ~~all of the following~~ by resolution:

~~(A) That that~~ by issuing bonds in an amount equal to the school district's portion of the basic project cost, including bonds previously authorized by the district's electors as described in section 3318.033 of the Revised Code, the district is unable to provide adequate classroom facilities without assistance from the state;

~~(B) Unless the school district board has resolved to apply the proceeds of a property tax or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized under section 3318.052 of the Revised Code, that to qualify for such state assistance it is necessary to do either of the following:~~

~~(1) Levy a tax outside the ten-mill limitation the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project;~~

~~(2) Earmark for maintenance of classroom facilities from the proceeds of an existing permanent improvement tax levied under section 5705.21 of the Revised Code, if such tax is of at least two mills for each dollar of valuation and can be used for maintenance, an amount equivalent to the amount of the additional tax otherwise required under this section and sections 3318.05 and 3318.08 of the Revised Code.~~

~~(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.~~

~~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:~~

~~(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;~~

~~(2) That the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.~~

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.

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 basic project cost, and state the maximum maturity of the bonds which, notwithstanding section 133.20 of the Revised Code, may be any number of years not exceeding twenty-three as determined by the board. In estimating the amount of bonds to be issued, the board shall take into consideration the amount of moneys then in the bond retirement fund and the amount of moneys to be collected for and disbursed from the bond retirement fund during the remainder of the year in which the resolution of necessity is adopted.

~~Notice of the election shall include the fact that the tax levy shall be at the rate of not less than one-half mill for each one dollar of valuation for a period of twenty-three years, and that the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.~~

The form of the ballot to be used at such election shall be:

"A majority affirmative vote is necessary for passage.

Shall bonds be issued by the (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the principal amount of (here insert principal amount of the bond issue), to be repaid annually over a maximum period of (here insert the

m number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue (here insert the number of mills estimated) mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "thirty-six cents" or "\$0.36") for each one hundred dollars of tax valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

~~and, unless the additional levy of taxes is not required pursuant to division (C) of section 3318.05 of the Revised Code,~~

~~"Shall an additional levy of taxes be made for a period of twenty-three years to benefit the (here insert name of school district) school district, the proceeds of which shall be used to pay the cost of maintaining the classroom facilities included in the project at the rate of (here insert the number of mills, which shall not be less than one half mill) mills for each one dollar of valuation?"~~

~~FOR THE BOND ISSUE AND TAX LEVY~~

~~AGAINST THE BOND ISSUE AND TAX LEVY~~

"

~~(D)~~(B) If it is necessary for the school district to acquire a site for the classroom facilities to be acquired pursuant to sections 3318.01 to 3318.20 of the Revised Code, the district board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the ~~questions~~ question specified in division ~~(C)~~(A) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the (here insert name of the school district) school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Classroom Facilities Assistance Program in the principal amount of (here insert principal amount of the bond issue), to be repaid annually over a maximum period of (here insert

maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue (here insert number of mills) mills for each one dollar of tax valuation, which amount to (here insert rate expressed in cents or dollars and cents, such as "thirty-six cents" or "\$0.36") for each one hundred dollars of valuation to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill limitation be made for the benefit of the (here insert name of the school district) school district for the purpose of acquiring a site for classroom facilities in the sum of (here insert annual amount the levy is to produce) estimated by the county auditor to average (here insert number of mills) mills for each one hundred dollars of valuation, for a period of (here insert number of years the millage is to be imposed) years?"

Where it is necessary to combine the question of issuing bonds of the school district ~~and levying a tax~~ as described in division ~~(C)~~(A) of this section with the question of issuing bonds of the school district for acquisition of a site, the question specified in division ~~(C)~~(A) of this section to be voted on shall be "For the Bond Issues ~~and the Tax Levy~~" and "Against the Bond Issues ~~and the Tax Levy~~."

Where it is necessary to combine the question of issuing bonds of the school district ~~and levying a tax~~ as described in division ~~(C)~~(A) of this section with the question of levying a tax for the acquisition of a site, the question specified in division ~~(C)~~(A) of this section to be voted on shall be "For the Bond Issue and the Tax ~~Levies Levy~~" and "Against the Bond Issue and the Tax ~~Levies Levy~~."

If a majority of those voting upon a proposition hereunder which includes the question of issuing bonds vote in favor thereof, and if the agreement provided for by section 3318.08 of the Revised Code has been entered into, the school district board may proceed under Chapter 133. of the Revised Code, with the issuance of bonds or bond anticipation notes in accordance with the terms of the agreement.

Sec. 3318.08. If the requisite favorable vote on the election is obtained, or if the school district board has resolved to apply the proceeds of a property tax levy or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized in section 3318.052 of the Revised Code, the Ohio school facilities commission, upon certification to it of either

the results of the election or the resolution under section 3318.052 of the Revised Code, shall enter into a written agreement with the school district board for the construction and sale of the project, which agreement shall include, but need not be limited to, the following provisions:

(A) The sale and issuance of bonds or notes in anticipation thereof, as soon as practicable after the execution of the agreement, in an amount equal to the school district's portion of the basic project cost, including any bonds previously authorized by the district's electors as described in section 3318.033 of the Revised Code; provided, that if at that time the county treasurer of each county in which the school district is located has not commenced the collection of taxes on the general duplicate of real and public utility property for the year in which the controlling board approved the project, the school district board shall authorize the issuance of a first installment of bond anticipation notes in an amount specified by the agreement, which amount shall not exceed an amount necessary to raise the net bonded indebtedness of the school district as of the date of the controlling board's approval to within five thousand dollars of the required level of indebtedness for the preceding year. In the event that a first installment of bond anticipation notes is issued, the school district board shall, as soon as practicable after the county treasurer of each county in which the school district is located has commenced the collection of taxes on the general duplicate of real and public utility property for the year in which the controlling board approved the project, authorize the issuance of a second and final installment of bond anticipation notes or a first and final issue of bonds.

The combined value of the first and second installment of bond anticipation notes or the value of the first and final issue of bonds shall be equal to the school district's portion of the basic project cost. The proceeds of any such bonds shall be used first to retire any bond anticipation notes. Otherwise, the proceeds of such bonds and of any bond anticipation notes, except the premium and accrued interest thereon, shall be deposited in the school district's project construction fund. In determining the amount of net bonded indebtedness for the purpose of fixing the amount of an issue of either bonds or bond anticipation notes, gross indebtedness shall be reduced by moneys in the bond retirement fund only to the extent of the moneys therein on the first day of the year preceding the year in which the controlling board approved the project. Should there be a decrease in the tax valuation of the school district so that the amount of indebtedness that can be incurred on the tax duplicates for the year in which the controlling board approved the project is less than the amount of the first installment of bond

anticipation notes, there shall be paid from the school district's project construction fund to the school district's bond retirement fund to be applied against such notes an amount sufficient to cause the net bonded indebtedness of the school district, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness for the year in which the controlling board approved the project. The maximum amount of indebtedness to be incurred by any school district board as its share of the cost of the project is either an amount that will cause its net bonded indebtedness, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness, or an amount equal to the required percentage of the basic project costs, whichever is greater. All bonds and bond anticipation notes shall be issued in accordance with Chapter 133. of the Revised Code, and notes may be renewed as provided in section 133.22 of the Revised Code.

(B)(4) The transfer of such funds of the school district board available for the project, together with the proceeds of the sale of the bonds or notes, except premium, accrued interest, and interest included in the amount of the issue, to the school district's project construction fund;

~~(C)~~ If section 3318.052 of the Revised Code applies, the earmarking of the proceeds of a tax levied under section 5705.21 of the Revised Code for general ongoing permanent ~~improvements~~ or under section 5705.218 of the Revised Code for the purpose of permanent improvements, or the proceeds of a school district income tax levied under Chapter 5748. of the Revised Code, or the proceeds from a combination of those two taxes, in an amount to pay all or part of the service charges on bonds issued to pay the school district portion of the project ~~and an amount equivalent to all or part of the tax required under division (B) of section 3318.05 of the Revised Code.~~

~~(C) If section 3318.052 of the Revised Code does not apply, either of the following:~~

~~(1) The levy of the tax authorized at the election for the payment of maintenance costs, as specified in division (B) of section 3318.05 of the Revised Code;~~

~~of section 3318.05 of the Revised Code.~~

(D) Ownership of or interest in the project during the period of construction, which shall be divided between the commission and the school district board in proportion to their respective contributions to the school district's project construction fund;

(E) Maintenance of the state's interest in the project until any obligations issued for the project under section 3318.26 of the Revised Code are no longer outstanding;

(F) The insurance of the project by the school district from the time there is an insurable interest therein and so long as the state retains any ownership or interest in the project pursuant to division (D) of this section, in such amounts and against such risks as the commission shall require; provided, that the cost of any required insurance until the project is completed shall be a part of the basic project cost;

(G) The certification by the director of budget and management that funds are available and have been set aside to meet the state's share of the basic project cost as approved by the controlling board pursuant to section 3318.04 of the Revised Code;

(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;

(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;

(J) Disposal of any balance left in the school district's project construction fund upon completion of the project;

(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;

(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;

(M) Provision for deposit of an executed copy of the agreement in the office of the commission;

(N) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the school district board are not paid into the school district's project construction fund and if bids for the construction of the

project have not been taken within such period after the execution of the agreement as may be fixed by the commission;

(O) Provision for the school district to maintain the project in accordance with a plan approved by the commission;

(P) Provision that all state funds reserved and encumbered to pay the state share of the cost of the project pursuant to section 3318.03 of the Revised Code be spent on the construction or acquisition of the project prior to the expenditure of any funds provided by the school district to pay for its share of the project cost, unless the school district certifies to the commission that expenditure by the school district is necessary to maintain the tax-exempt status of notes or bonds issued by the school district to pay for its share of the project cost in which case, the school district may commit to spend, or spend, a portion of the funds it provides;

(Q) A provision stipulating that the commission may prohibit the district from proceeding with any project if the commission determines that the site is not suitable for construction purposes. The commission may perform soil tests in its determination of whether a site is appropriate for construction purposes.

(R) A provision stipulating that, unless otherwise authorized by the commission, any contingency reserve portion of the construction budget prescribed by the commission shall be used only to pay costs resulting from unforeseen job conditions, to comply with rulings regarding building and other codes, to pay costs related to design clarifications or corrections to contract documents, and to pay the costs of settlements or judgments related to the project as provided under section 3318.086 of the Revised Code.

Sec. 3318.086. The construction budget for any project under sections 3318.01 to 3318.20 of the Revised Code shall contain a contingency reserve in an amount prescribed by the Ohio school facilities commission, which unless otherwise authorized by the commission, shall be used only to pay costs resulting from unforeseen job conditions, to comply with rulings regarding building and other codes, to pay costs related to design clarifications or corrections to contract documents, and to pay the costs of settlements or judgments related to the project.

Sec. 3318.10. When such working drawings, specifications, and estimates of cost have been approved by the school district board and the Ohio school facilities commission, the treasurer of the school district board shall advertise for construction bids ~~for the project once a week for three consecutive weeks in a newspaper published in and of general circulation in the county in which the project is located~~ in accordance with section 3313.46 of the Revised Code. Such notices shall state that plans and

specifications for the project are on file in the office of the commission and such other place as may be designated in such notice, and the time and place when and where bids therefor will be received.

The form of proposal to be submitted by bidders shall be supplied by the commission. Bidders may be permitted to bid upon all the branches of work and materials to be furnished and supplied, upon any branch thereof, or upon all or any thereof.

~~A proposal shall be invalid and not considered unless it meets the requirements of section 153.54 of the Revised Code.~~

When the construction bids for all branches of work and materials have been tabulated, the commission shall cause to be prepared a revised estimate of the basic project cost based upon the lowest responsible bids received. If such revised estimate exceeds the estimated basic project cost as approved by the controlling board pursuant to section 3318.04 of the Revised Code, no contracts may be entered into pursuant to this section unless such revised estimate is approved by the commission and by the controlling board referred to in section 3318.04 of the Revised Code. When such revised estimate has been prepared, and after such approvals are given, if necessary, and if the school district board has caused to be transferred to the project construction fund the proceeds from the sale of the first or first and final installment of its bonds or bond anticipation notes pursuant to the provision of written agreement required by division (B) of section 3318.08 of the Revised Code, and when the director of budget and management has certified that there is a balance in the appropriation, not otherwise obligated to pay precedent obligations, pursuant to which the state's share of such revised estimate is required to be paid, the contract for all branches of work and materials to be furnished and supplied, or for any branch thereof as determined by the school district board, shall be awarded by the school district board to the lowest responsible bidder subject to the approval of the commission. Such award shall be made within sixty days after the date on which the bids are opened, and the successful bidder shall enter into a contract within ten days after the successful bidder is notified of the award of the contract.

Subject to the approval of the commission, the school district board may reject all bids and readvertise. Any contract made under this section shall be made in the name of the state and executed on its behalf by the president and treasurer of the school district board.

The provisions of sections ~~153.50 to 153.99~~ 9.312 and 3313.46 of the Revised Code, which are applicable to construction contracts of boards of education ~~and which permit bids to be made for two or more trades or kinds~~

~~of work, shall apply to construction contracts for the project to the exclusion of sections 153.01 to 153.20 of the Revised Code applicable to state construction contracts.~~

The remedies afforded to any subcontractor, materials supplier, laborer, mechanic, or persons furnishing material or machinery for the project under sections 1311.26 to 1311.32 of the Revised Code, shall apply to contracts entered into under this section and the itemized statement required by section 1311.26 of the Revised Code shall be filed with the school district board.

Sec. 3318.12. The Ohio school facilities commission shall cause to be transferred to the school district's project construction fund the necessary amounts from amounts appropriated by the general assembly and set aside for such purpose, from time to time as may be necessary to pay obligations chargeable to such fund when due. All investment earnings of a school district's project construction fund shall be credited to the fund.

The treasurer of the school district board shall disburse funds from the school district's project construction fund, including investment earnings credited to the fund, only upon the approval of the commission or the commission's designated representative. The commission or the commission's designated representative shall issue vouchers against such fund, in such amounts, and at such times as required by the contracts for construction of the project.

After the project has been completed:

(A) Any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be transferred to the district's capital and maintenance fund required by ~~division (B) of section 3318.05~~ 3315.18 of the Revised Code, and the money shall be used solely for maintaining the classroom facilities included in the project any purpose permitted under that section.

(B) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 of the Revised Code.

(C) Any other surplus remaining in the school district's project construction fund after the project has been completed shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 of the Revised Code.

Sec. 3318.31. (A) The Ohio school facilities commission may perform

any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under, Chapter 3318. of the Revised Code, including any of the following:

~~(1) Employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, and who shall serve at the pleasure of the commission.~~

~~(2)~~ Adopt, amend, and rescind, pursuant to section 111.15 of the Revised Code, rules for the administration of programs authorized under Chapter 3318. of the Revised Code.

~~(3)~~⁽²⁾ Contract with, retain the services of, or designate, and fix the compensation of, such agents, accountants, consultants, advisers, and other independent contractors as may be necessary or desirable to carry out the programs authorized under Chapter 3318. of the Revised Code.

~~(4)~~⁽³⁾ Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under Chapter 3318. of the Revised Code.

~~(5)~~⁽⁴⁾ Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental to the performance of its duties and the execution of its rights and powers under Chapter 3318. of the Revised Code.

(B) The commission shall appoint and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall supervise the operations of the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director.

(C) The attorney general shall serve as the legal representative for the commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of the Revised Code.

Sec. 3318.36. (A) As used in this section:

(1) "Ohio school facilities commission," "classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code.

(2) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks in the fiscal year the commission and the school

district enter into such agreement minus one)].

(3) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio school facilities commission may enter into an agreement with the school district board of any school district under which the school district board may proceed with the new construction or major repairs of a part of the school district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code, through the expenditure of local resources prior to the school district's eligibility for state assistance under sections 3318.01 to 3318.20 of the Revised Code and may apply that expenditure toward meeting the school district's portion of the basic project cost of the total of the school district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code and as recalculated under division (E) of this section, that are eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code when the school district becomes eligible for such state assistance. Any school district that is reasonably expected to receive assistance under sections 3318.01 to 3318.20 of the Revised Code within two fiscal years from the date the school district adopts its resolution under division (B) of this section shall not be eligible to participate in the program.

(2) To participate in the program, a school district board shall first adopt a resolution certifying to the commission the board's intent to participate in the program.

The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. ~~The resolution shall not specify an election sooner than twelve months after the date the resolution is adopted by the board~~ The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than ~~the effective date of this amendment~~ September 14, 2000.

(3) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code.

(4) If a school district that enters into an agreement under this section has not begun a project applying local resources as provided for under that agreement at the time the district is notified by the commission that it is eligible to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code, all assessment and agreement documents entered into under this section are void.

(5) Only construction of or repairs to classroom facilities that have been approved by the commission and have been therefore included as part of a district's basic project cost qualify for application of local resources under this section.

(C) Based on the results of the on-site visits and assessment conducted under division (B)(2) of this section, the commission shall determine the basic project cost of the school district's classroom facilities needs. The commission shall determine the school district's portion of such basic project cost, which shall be the greater of:

(1) The required percentage of the basic project costs, determined based on the school district's percentile ranking in the fiscal year the commission and the school district enter into the agreement under division (B) of this section;

(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.

~~(D)~~ (4) 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.

All local resources utilized under this division shall first be deposited in the project construction account required under section 3318.08 of the Revised Code.

~~(2) Unless the school district board exercises its option under division (D)(3) of this section, for a school district to qualify for participation in the program authorized under this section, either:~~

~~(a) The electors of the school district by a majority vote shall approve the levy of taxes outside the ten-mill limitation for a period of twenty-three years at the rate of not less than one-half mill for each dollar of valuation to be used to pay the cost of maintaining the classroom facilities included in the basic project cost as determined by the commission. The form of the ballot to be used to submit the question whether to approve the tax required under this division to the electors of the school district shall be the form for an additional levy of taxes prescribed in section 3318.361 of the Revised Code.~~

~~(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 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.~~

~~(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.~~

~~(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:~~

~~(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;~~

~~(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.~~

~~(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.~~

~~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.~~

(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) of this section from the school district's portion of the basic project cost as recalculated under this division. If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is less than the total amount of such portion as recalculated under this division, the school district board by a majority vote of all of its members shall, if it desires to seek state assistance under sections 3318.01 to 3318.20 of the Revised Code, adopt a resolution as specified in section 3318.06 of the Revised Code to submit to the electors of the school district the question of approval of a bond issue in order to pay any additional amount of school district portion required for state assistance. ~~Any tax levy approved under division (D) of this section satisfies the requirements to levy the additional tax under section 3318.06 of the Revised Code.~~

(2) If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under

this section is more than the total amount of such portion as recalculated under this division, within one year after the school district's portion is recalculated under division (E)(1) of this section the commission may grant to the school district the difference between the two calculated portions, but at no time shall the commission expend any state funds on a project in an amount greater than the state's portion of the basic project cost as recalculated under this division.

Any reimbursement under this division shall be only for local resources the school district has applied toward construction cost expenditures for the classroom facilities approved by the commission, which shall not include any financing costs associated with that construction.

The school district board shall use any moneys reimbursed to the district under this division to pay off any debt service the district owes for classroom facilities constructed under its project under this section before such moneys are applied to any other purpose.

Sec. 3318.362. This section applies only to a school district that participates in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code.

Notwithstanding the twenty-three year maximum maturity for bonds proposed to be issued by a school district board for a classroom facilities project pursuant to division ~~(C)~~(A) of section 3318.06 of the Revised Code, a school district board that enters into an agreement with the Ohio school facilities commission under division (B) of section 3318.36 of the Revised Code may propose for issuance any bonds necessary for its participation in the program under section 3318.36 of the Revised Code for a term longer than twenty-three years but not to exceed the term calculated pursuant to section 133.20 of the Revised Code. Any moneys received from the state under division (E)(2) of section 3318.36 of the Revised Code shall be applied, as agreed in writing by the school district board and the commission, to pay debt service on outstanding bonds or bond anticipation notes issued by the school district board for its participation in the expedited local partnership program, including by placing those moneys in an applicable escrow fund under division (D) of section 133.34 of the Revised Code.

Sec. 3318.363. (A) This section applies only to a school district participating in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code.

(B) If there is a decrease in the tax valuation of a school district to which this section applies by ten per cent or greater from one tax year to the next due to a decrease in the assessment rate of the taxable property of an

electric company that owns property in the district, as provided for in section 5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd General Assembly, the Ohio school facilities commission shall calculate or recalculate the state and school district portions of the basic project cost of the school district's project by determining the percentile rank in which the district would be located if such ranking were made using the current year adjusted valuation per pupil, as calculated and reported to the commission by the department of education under division (A) of section 3318.011 of the Revised Code, rather than the three-year average adjusted valuation per pupil, calculated under division (B) of that section. For such district, the required percentage of the basic project cost used to determine the state and school district shares of that cost under division (C) of section 3318.36 of the Revised Code shall be based on the percentile rank as calculated under this section rather than as otherwise provided in division (C)(1) of section 3318.36 of the Revised Code. If the commission has determined the state and school district portion of the basic project cost of such a district's project under section 3318.36 of the Revised Code prior to that decrease in tax valuation, the commission shall adjust the state and school district shares of the basic project cost of such project in accordance with this section.

Sec. 3318.37. (A) As used in this section:

(1) "Low wealth school district" means a school district in the first through fiftieth percentiles as determined under section 3318.011 of the Revised Code.

(2) A "school district with an exceptional need for immediate classroom facilities assistance" means a low wealth school district with an exceptional need for new facilities in order to protect the health and safety of all or a portion of its students. School districts reasonably expected to be eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code within three fiscal years after assistance under this section is being considered by the Ohio school facilities commission, and school districts that participate in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code shall not be eligible for assistance under this section.

(B)(1) There is hereby established the exceptional needs school facilities assistance program. Under the program, the Ohio school facilities commission may set aside from the moneys annually appropriated to it for classroom facilities assistance projects up to twenty-five per cent for assistance to school districts with exceptional needs for immediate classroom facilities assistance.

(2)(a) After consulting with education and construction experts, the commission shall adopt guidelines for identifying school districts with an exceptional need for immediate classroom facilities assistance.

(b) The guidelines shall include application forms and instructions for school districts that believe they have an exceptional need for immediate classroom facilities assistance.

(3) The commission shall evaluate the classroom facilities, and the need for replacement classroom facilities from the applications received under this section. The commission, utilizing the guidelines adopted under division (B)(2)(a) of this section, shall prioritize the school districts to be assessed.

Notwithstanding section 3318.02 of the Revised Code, the 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 such assistance. Except as otherwise provided in this section, any project approved and undertaken pursuant to this section shall comply with all provisions of sections 3318.01 to 3318.20 of the Revised Code.

The Ohio school facilities commission shall provide assistance to any big-eight school district eligible for assistance under this section in the following manner:

(1) Notwithstanding section 3318.02 of the Revised Code:

(a) Not later than June 30, 2002, the commission shall conduct an on-site visit and shall assess the classroom facilities needs of each big-eight school district eligible for assistance under this section;

(b) Beginning July 1, 2002, any big-eight school district eligible for assistance under this section may apply to the commission for conditional approval of its project as determined by the assessment conducted under division (B)(1)(a) of this section. The commission may conditionally approve that project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code.

(2) If the controlling board approves the project of a big-eight school district eligible for assistance under this section, the commission and the school district shall enter into an agreement as prescribed in section 3318.08 of the Revised Code. Any agreement executed pursuant to this division shall include any applicable segmentation provisions as approved by the commission under division (B)(3) of this section.

(3) Notwithstanding any provision to the contrary in sections 3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight school district eligible for assistance under this section may with the approval of the commission opt to divide the project as approved under division (B)(1)(b) of this section into discrete segments to be completed sequentially. Any project divided into segments shall comply with all other provisions of sections 3318.05, 3318.06, and 3318.08 of the Revised Code except as otherwise specified in this division.

If a project is divided into segments under this division:

(a) The school district need raise only the amount equal to its proportionate share, as determined under section 3318.032 of the Revised Code, of each segment at any one time and may seek voter approval of each segment separately;

(b) The state's proportionate share, as determined under section 3318.032 of the Revised Code, of only the segment which has been approved by the school district electors or for which the district has applied a local donated contribution under section 3318.084 of the Revised Code shall be encumbered at any one time. Encumbrance of additional amounts to cover the state's proportionate share of later segments shall be approved separately as they are approved by the school district electors or as the district applies a local donated contribution to the segments under section

3318.084 of the Revised Code. If the state's share of any one segment exceeds twenty-five million dollars, encumbrance of that share is subject to the provisions of section 3318.11 of the Revised Code.

~~(e) If it is necessary to levy the additional tax for maintenance under division (B) of section 3318.05 of the Revised Code with respect to any segment of the project, the district may utilize the provisions of section 3318.061 of the Revised Code to ensure that the maintenance tax extends for twenty three years after the last segment of the project is undertaken.~~

Sec. 3318.50. (A) As used in this section and in section 3318.52 of the Revised Code:

(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.

(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code.

(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.

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.

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.

(C) At no time shall the commission exceed an aggregate liability of ten million dollars to repay loans guaranteed under this section.

(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.

(E) The commission may assess a fee of up to five hundred dollars for each loan guaranteed under this section.

(F) Not later than ninety days after the effective date of this section, the commission shall adopt rules that prescribe loan standards and procedures

consistent with this section that are designed to protect the state's interest in any loan guaranteed by this section and to ensure that the state has a reasonable chance of recovering any payments made by the state in the event of a default on any such loan.

Sec. 3318.51. Not later than nine months after the effective date of this section, the Ohio school facilities commission in consultation with the office of community school options established under section 3314.11 of the Revised Code shall develop specifications for classroom facilities for start-up community schools established under Chapter 3314. of the Revised Code.

Sec. 3318.52. There is hereby established the community school classroom facilities loan guarantee fund. The fund shall consist of such moneys as the general assembly appropriates for the purpose of guaranteeing loans to community schools under section 3318.50 of the Revised Code. Investment earnings on moneys in the fund shall be credited to the fund.

Sec. 3319.19. (A) ~~Upon~~ Except as provided in division (D) of this section or division (A)(2) of section 3313.37 of the Revised Code, upon request, the board of county commissioners shall provide and equip offices in the county for the use of the superintendent of an educational service center, and shall provide heat, light, water, and janitorial services for such offices. Such offices shall be the permanent headquarters of the superintendent and shall be used by the governing board of the service center when it is in session. Except as provided in division (B) of this section, such offices shall be located in the county seat or, upon the approval of the governing board, may be located outside of the county seat.

(B) In the case of a service center formed under section 3311.053 of the Revised Code, the governing board shall designate the site of its offices. ~~The~~ Except as provided in division (D) of this section or division (A)(2) of section 3313.37 of the Revised Code, the board of county commissioners of the county in which the designated site is located shall provide and equip the offices as under division (A) of this section, but the costs of such offices and equipment ~~not covered by funds received under section 307.031 of the Revised Code~~ shall be apportioned among the boards of county commissioners of all counties having any territory in the area under the control of the governing board, according to the proportion of local school district pupils under the supervision of such board residing in the respective counties. Where there is a dispute as to the amount any board of county commissioners is required to pay, the probate judge of the county in which the greatest number of pupils under the supervision of the governing board

reside shall apportion such costs among the boards of county commissioners and notify each such board of its share of the costs.

~~(C) By the first day of March of each year, the superintendent of public instruction shall certify to the tax commissioner the ADM and the number of full-time licensed employees of each educational service center for the purposes of the distribution of funds to boards of county commissioners required under division (B) of section 307.031 of the Revised Code. As used in this section, "ADM" means the formula ADMs of all the local districts having territory in the service center, as certified in October of the previous year by the service center superintendent to the state board of education under section 3317.03 of the Revised Code. As used in this division, "licensed employee" has the same meaning as in section 307.031 of the Revised Code.~~

~~(D) The superintendent of a service center may annually submit a proposal approved by the board of county commissioners to the state superintendent of public instruction, in such manner and by such date as specified by the state board of education, for a grant for the board of county commissioners to do one of the following:~~

~~(1) To improve or enhance the offices and equipment provided under division (A) or (B) of this section or section 3301.0712 of the Revised Code;~~

~~(2) If funds received under division (B) of section 307.031 of the Revised Code are insufficient to provide for the actual cost of meeting the requirements of division (A) or (B) of section 3319.19 and division (A)(2) of section 3301.0712 of the Revised Code, to provide funds to meet such costs.~~

~~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 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;~~

~~(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.~~

~~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.~~

~~If the superintendent provides specific objections to the board of county commissioners, the board shall review the objections and may modify the original estimate and shall send a revised total estimate to the superintendent within ten days after the receipt of the superintendent's objections. The~~

superintendent shall respond to the revised estimate within ten days after its receipt. If the superintendent agrees with it, it shall become the final total estimated cost. If the superintendent fails to respond within the required time, the superintendent shall be deemed to have agreed with the revised estimate. If the superintendent disagrees with the revised estimate, the superintendent shall send specific objections to the county commissioners.

If a superintendent has sent specific objections to the revised estimate within the required time, the probate judge of the county which has the greatest number of resident local school district pupils under the supervision of the educational service center shall determine the final estimated cost and certify this amount to the superintendent and the board of county commissioners prior to the first day of July.

(D)(1) A board of county commissioners shall be responsible for the following percentages of the final total estimated cost established by division (C) of this section:

- (a) Eighty per cent for fiscal year 2003;
- (b) Sixty per cent for fiscal year 2004;
- (c) Forty per cent for fiscal year 2005;
- (d) Twenty per cent for fiscal year 2006.

In fiscal years 2003, 2004, 2005, and 2006 the educational service center shall be responsible for the remainder of any costs in excess of the amounts specified in division (D)(1)(a),(b), or (c) of this section, as applicable, associated with the provision and equipment of offices for the educational service center and 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.

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.

(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 exceed four years. Any such contract shall supersede the provisions of division (D)(1) of this section and no educational service center may be charged, at any time, any additional amount for the county's provision of an office and equipment, heat, light, water, and janitorial services beyond the amount specified in such contract.

(3) No contract entered into under division (D)(2) of this section in any year prior to fiscal year 2007 between an educational service center formed under section 3311.053 of the Revised Code and the board of county commissioners required to provide and equip its office pursuant to division (B) of this section shall take effect unless the boards of county commissioners of all other counties required to participate in the funding for such offices pursuant to division (B) of this section adopt resolutions approving the contract.

Sec. 3321.01. (A)(1) As used in this chapter, "parent," "guardian," or "other person having charge or care of a child" 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. If the child is in the legal or permanent custody of a person or government agency, "parent" means that person or government agency. When a child is a resident of a home, as defined in section 3313.64 of the Revised Code, and the child's parent is not a resident of this state, "parent," "guardian," or "other person having charge or care of a child" means the head of the home.

A child between six and eighteen years of age is "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code. A child under six years of age who has been enrolled in kindergarten also shall be considered "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code unless at any time the child's parent or guardian, at the parent's or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten. The compulsory school age of a child shall not commence until the beginning of the term of such schools, or other time in the school year fixed by the rules of the board of the district in which the child resides.

(2) No child shall be admitted to a kindergarten or a first grade of a public school in a district in which all children are admitted to kindergarten and the first grade in August or September unless the child is five or six years of age, respectively, by the thirtieth day of September of the year of admittance, or by the first day of a term or semester other than one beginning in August or September in school districts granting admittance at the beginning of such term or semester, except that in those school districts using or obtaining educationally accepted standardized testing programs for determining entrance, as approved by the board of education of such districts, the board shall admit a child to kindergarten or the first grade who fails to meet the age requirement, provided the child meets necessary standards as determined by such standardized testing programs. If the board

of education has not established a standardized testing program, the board shall designate the necessary standards and a testing program it will accept for the purpose of admitting a child to kindergarten or first grade who fails to meet the age requirement. Each child who will be the proper age for entrance to kindergarten or first grade by the first day of January of the school year for which admission is requested shall be so tested upon the request of the child's parent.

(3) Notwithstanding divisions (A)(2) and (D) of this section, beginning with the school year that starts in 2001 and continuing 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 years of age by the thirtieth day of September of the year of admittance and who demonstrates to the satisfaction of the committee the possession of the social, emotional, and cognitive skills necessary for first grade.

The board of education of each city, local, and exempted village school district shall establish a pupil personnel services committee. The committee shall be composed of all of the following to the extent such personnel are either employed by the district or employed by the governing board of the educational service center within whose territory the district is located and the educational service center generally furnishes the services of such personnel to the district:

- (1) The director of pupil personnel services;
- (2) An elementary school counselor;
- (3) An elementary school principal;
- (4) A school psychologist;
- (5) A teacher assigned to teach first grade;
- (6) A gifted coordinator.

The responsibilities of the pupil personnel services committee shall be limited to the issuing of waivers allowing admittance to the first grade without the successful completion of kindergarten. The committee shall have no other authority except as specified in this section.

(E) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.

(F) Any kindergarten class offered by a day-care provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.

(G) Upon written request of a day-care provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B)(2)(b)(iii) of this section and, if so, shall furnish the provider a statement to that effect.

Sec. 3323.09. (A) As used in this section:

(1) "Home" has the meaning given in section 3313.64 of the Revised Code;

(2) "Preschool child" means a child who is at least age three but under age six on the thirtieth day of September of an academic year.

(B) Each county MR/DD board shall establish special education programs for all handicapped children who in accordance with section 3323.04 of the Revised Code have been placed in special education programs operated by the county board and for preschool children who are developmentally delayed or at risk of being developmentally delayed. The board annually shall submit to the department of education a plan for the provision of these programs and, if applicable, a request for approval of

units under section 3317.05 of the Revised Code. The superintendent of public instruction shall review the plan and approve or modify it in accordance with rules adopted by the state board of education under section 3301.07 of the Revised Code. The superintendent of public instruction shall compile the plans submitted by county boards and shall submit a comprehensive plan to the state board of education.

A county MR/DD board may combine transportation for children enrolled in classes funded under section 3317.20 or units approved under section 3317.05 with transportation for children and adults enrolled in programs and services offered by the board under section 5126.12 of the Revised Code.

(C) A county MR/DD board that during the school year provided special education pursuant to this section for any mentally handicapped child under twenty-two years of age shall prepare and submit the following reports and statements:

(1) The board shall prepare a statement for each child who at the time of receiving such special education was a resident of a home and was not in the legal or permanent custody of an Ohio resident or a government agency in this state, and whose parents are not known to have been residents of this state subsequent to the child's birth. The statement shall contain the child's name, the name of ~~his~~ the child's school district of residence, the name of the county board providing the special education, and the number of months, including any fraction of a month, it was provided. Not later than the thirtieth day of June, the board shall forward a certified copy of such statement to both the director of mental retardation and developmental disabilities and to the home.

Within thirty days after its receipt of a statement, the home shall pay tuition to the county board computed in the manner prescribed by section 3323.141 of the Revised Code.

(2) The board shall prepare a report for each school district that is the school district of residence of one or more of such children for whom statements are not required by division (C)(1) of this section. The report shall contain the name of the county board providing special education, the name of each child receiving special education, the number of months, including fractions of a month, that ~~he~~ the child received it, and the name of the child's school district of residence. Not later than the thirtieth day of June, the board shall forward certified copies of each report to the school district named in the report, the superintendent of public instruction, and the director of mental retardation and developmental disabilities.

Sec. 3323.091. (A) The department of mental health, the department of

mental retardation and developmental disabilities, the department of youth services, and the department of rehabilitation and correction shall establish and maintain special education programs for handicapped children in institutions under their jurisdiction according to standards adopted by the state board of education. The superintendent of each institution providing special education under this chapter may apply to the state department of education for unit funding, which shall be paid in accordance with sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code.

(B) On or before the thirtieth day of June of each year, the superintendent of each institution that during the school year provided special education pursuant to this section shall prepare a statement for each handicapped child under twenty-two years of age who has received special education. The statement shall contain the child's name and the name of the child's school district of residence. Within sixty days after receipt of such statement, the department of education shall perform one of the following:

(1) For any child except a handicapped preschool child described in division (B)(2) of this section, pay to the institution submitting the statement an amount equal to the tuition calculated under division (A) of section 3317.08 of the Revised Code for the period covered by the statement, and deduct the same from the amount of state funds, if any, payable under sections 3317.022 and 3317.023 of the Revised Code, to the child's school district of residence or, if the amount of such state funds is insufficient, require the child's school district of residence to pay the institution submitting the statement an amount equal to the amount determined under this division.

(2) For any handicapped preschool child not included in a unit approved under division (B) of section 3317.05 of the Revised Code, perform the following:

(a) Pay to the institution submitting the statement an amount equal to the tuition calculated under division (B) of section 3317.08 of the Revised Code for the period covered by the statement, except that in calculating the tuition under that section the operating expenses of the institution submitting the statement under this section shall be used instead of the operating expenses of the school district of residence;

(b) Deduct from the amount of state funds, if any, payable under sections 3317.022 and 3317.023 of the Revised Code to the child's school district of residence an amount equal to the amount paid under division (B)(2)(a) of this section.

Sec. 3327.10. (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational

ice center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from the educational service center governing board in case such person is employed by a service center or by a local school district under the supervision of the service center governing board, or by the superintendent of schools, in case such person is employed by the board of a city or exempted village school district, certifying that such person is at least eighteen years of age and is of good moral character and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain ~~his~~ the driver's physical fitness for such employment. Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section 3319.081, or section 124.34 of the Revised Code.

(B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age, is of good moral character, and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining ~~his~~ the driver's physical fitness for such employment. ~~Any~~ The examination shall be performed by one of the following:

(1) A person licensed under Chapter 4731. of the Revised Code or by another state to practice medicine and surgery or osteopathic medicine and surgery;

(2) A registered nurse who holds a certificate of authority issued under Chapter 4723. of the Revised Code to practice as a certified nurse practitioner or clinical nurse specialist and is practicing pursuant to a standard care arrangement with a collaborating physician.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section.

(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a

school district and who drives a bus or motor van owned by the school district.

(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had ~~his~~ the person's commercial driver's license suspended or revoked shall drive a school bus or motor van until such person has filed a written notice of such conviction, suspension, or revocation as follows:

(1) If ~~he~~ the person is employed under division (A) of this section, such notice shall be filed with the superintendent, or a person designated by the superintendent, of the school district for which such person drives a school bus or motor van as an employee or drives a privately owned and operated school bus or motor van under contract.

(2) If employed under division (B) of this section, such notice shall be filed with the employing school administrator or contractor, or a person designated by the administrator or contractor.

(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor.

Sec. 3333.02. The Ohio board of regents shall hold its first meeting at the call of the governor, within three months after all members have been appointed and qualified. Meetings thereafter shall be called in such manner and at such times as prescribed by rules adopted by the board, but the board shall meet at least four times annually. A majority of the board constitutes a quorum. At its first meeting, the board shall organize by selecting a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a secretary, and such other officers as it deems necessary. The board shall adopt rules for the conduct of its business, and to provide for the term and election of officers, and shall establish an office in Columbus. The rules shall permit the formation of a quorum and the taking of votes at meetings conducted by interactive video teleconference if provisions are made for public attendance at any location involved in such a teleconference.

A record shall be kept of board proceedings, which shall be open for public inspection. The board shall adopt a seal to be affixed to official documents. Each member of the board, before entering on ~~his~~ official duties and after qualifying for office, shall take and subscribe to an oath of office, to uphold the constitution and laws of the United States and this state, and to perform the duties of ~~his~~ office honestly, faithfully, and impartially.

Sec. 3333.03. (A) The Ohio board of regents shall appoint a chancellor to serve at its pleasure and shall prescribe ~~his~~ the chancellor's duties. The board shall fix the compensation for the chancellor ~~and for all other~~

~~professional, administrative, and clerical employees necessary to assist the board and the chancellor in the performance of their duties.~~

(B) The chancellor is the administrative officer of the board, and is responsible for appointing and fixing the compensation of all professional, administrative, and clerical employees and staff members, ~~subject to board approval, who~~ necessary to assist the board and the chancellor in the performance of their duties. All employees and staff shall serve under his direction and control at the chancellor's pleasure. The chancellor shall be a person qualified by training and experience to understand the problems and needs of the state in the field of higher education and to devise programs, plans, and methods of solving the problems and meeting the needs.

(C) Neither the chancellor nor any staff member or employee of the board shall be a trustee, officer, or employee of any public or private college or university while serving on the board.

Sec. 3333.043. (A) As used in this section:

(1) "Institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, municipal educational institutions established under Chapter 3349. of the Revised Code, community colleges established under Chapter 3354. of the Revised Code, university branches established under Chapter 3355. of the Revised Code, technical colleges established under Chapter 3357. of the Revised Code, state community colleges established under Chapter 3358. of the Revised Code, any institution of higher education with a certificate of registration from the state board of proprietary school registration, and any institution for which the Ohio board of regents receives a notice pursuant to division (C) of this section.

(2) "Community service" has the same meaning as in section 3313.605 of the Revised Code.

(B)(1) The board of trustees or other governing entity of each institution of higher education shall encourage and promote participation of students in community service through a program appropriate to the mission, student population, and environment of each institution. The program may include, but not be limited to, providing information about community service opportunities during student orientation or in student publications; providing awards for exemplary community service; encouraging faculty members to incorporate community service into students' academic experiences wherever appropriate to the curriculum; encouraging recognized student organizations to undertake community service projects as part of their purposes; and establishing advisory committees of students, faculty members, and community and business leaders to develop cooperative

programs that benefit the community and enhance student experience. The program shall be flexible in design so as to permit participation by the greatest possible number of students, including part-time students and students for whom participation may be difficult due to financial, academic, personal, or other considerations. The program shall emphasize community service opportunities that can most effectively use the skills of students, such as tutoring or literacy programs. The programs shall encourage students to perform services that will not supplant the hiring of, result in the displacement of, or impair any existing employment contracts of any particular employee of any private or governmental entity for which services are performed.

(2) The Ohio board of regents shall encourage all institutions of higher education in the development of community service programs. With the assistance of the ~~state Ohio community service advisory committee~~ council created in section 121.40 of the Revised Code, the board of regents shall make available information about higher education community service programs to institutions of higher education and to statewide organizations involved with or promoting volunteerism, including information about model community service programs, teacher training courses, and community service curricula and teaching materials for possible use by institutions of higher education in their programs. The board shall encourage institutions of higher education to jointly coordinate higher education community service programs through consortia of institutions or other appropriate means of coordination.

(C) The board of trustees of any nonprofit institution with a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code may notify the board of regents that it is making itself subject to divisions (A) and (B) of this section. Upon receipt of such a notice, these divisions shall apply to that institution.

Sec. 3333.12. (A) As used in this section:

(1) "Eligible student" means an undergraduate student who is:

(a) An Ohio resident;

(b) Enrolled in either of the following:

(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or has a certificate of registration from the state board of proprietary school registration and program authorization to award an associate or bachelor's degree. Students who attend an institution that holds a certificate of

registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.

(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964.

(c) Enrolled as a full-time student or enrolled as a less than full-time student for the term expected to be the student's final term of enrollment and is enrolled for the number of credit hours necessary to complete the requirements of the program in which the student is enrolled.

(2) "Gross income" includes all taxable and nontaxable income of the parents, the student, and the student's spouse, except income derived from an Ohio academic scholarship, income earned by the student between the last day of the spring term and the first day of the fall term, and other income exclusions designated by the board. Gross income may be verified to the board by the institution in which the student is enrolled using the federal financial aid eligibility verification process or by other means satisfactory to the board.

(3) "Resident," "full-time student," "dependent," "financially independent," and "accredited" shall be defined by rules adopted by the board.

(B) The Ohio board of regents shall establish and administer an instructional grant program and may adopt rules to carry out this section. The general assembly shall support the instructional 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 that the student applicant meets the requirements set forth in divisions (A)(1)(b) and (c) of

this section. Instructional grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by the board. No student shall receive more than one grant on the basis of less than full-time enrollment.

An instructional grant shall not exceed the total instructional and general charges of the institution.

(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section.

For a full-time student who is a dependent and enrolled in a nonprofit educational institution that is not a state-assisted institution and that has a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Gross Income	Table of Grants				
	Maximum Grant \$4,872				
	Number of Dependents				
	1	2	3	4	5 or more
Under \$13,001	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872
\$13,001—\$14,000	4,386	4,872	4,872	4,872	4,872
\$14,001—\$15,000	3,888	4,386	4,872	4,872	4,872
\$15,001—\$16,000	3,408	3,888	4,386	4,872	4,872
\$16,001—\$17,000	2,928	3,408	3,888	4,386	4,872
\$17,001—\$20,000	2,442	2,928	3,408	3,888	4,386
\$20,001—\$23,000	1,944	2,442	2,928	3,408	3,888
\$23,001—\$26,000	1,452	1,944	2,442	2,928	3,408
\$26,001—\$29,000	1,200	1,452	1,944	2,442	2,928
\$29,001—\$30,000	966	1,200	1,452	1,944	2,442
\$30,001—\$31,000	882	966	1,200	1,452	1,944
\$31,001—\$32,000	792	882	966	1,200	1,452
\$32,001—\$33,000	396	792	882	966	1,200
\$33,001—\$34,000	0	396	792	882	966

\$34,001—\$35,000	0	0	396	792	882
\$35,001—\$36,000	0	0	0	396	792
\$36,001—\$37,000	0	0	0	0	396
Over \$37,000	0	0	0	0	0

Private Institution

Table of Grants

Maximum Grant \$5,466

<u>Gross Income</u>	<u>Number of Dependents</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or 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>
<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>
<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>
<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>
<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>
<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>
<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>
<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>
<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>
<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>
<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>
<u>\$33,001 - \$34,000</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>
<u>\$34,001 - \$35,000</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>

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:

Table of Grants

Maximum Grant \$4,872

<u>Gross Income</u>	<u>Number of Dependents</u>					
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>
<u>Under \$4,201</u>	<u>\$4,872</u>	<u>\$4,872</u>	<u>\$4,872</u>	<u>\$4,872</u>	<u>\$4,872</u>	<u>\$4,872</u>
<u>\$4,201—\$4,800</u>	<u>4,386</u>	<u>4,872</u>	<u>4,872</u>	<u>4,872</u>	<u>4,872</u>	<u>4,872</u>

\$4,801 - \$5,300	3,888	4,386	4,872	4,872	4,872	4,872
\$5,301 - \$5,800	3,408	3,888	4,386	4,872	4,872	4,872
\$5,801 - \$6,300	2,928	3,408	3,888	4,386	4,872	4,872
\$6,301 - \$6,800	2,442	2,928	3,408	3,888	4,386	4,872
\$6,801 - \$7,800	1,944	2,442	2,928	3,408	3,888	4,386
\$7,801 - \$8,800	1,452	1,944	2,442	2,928	3,408	3,888
\$8,801 - \$9,800	1,200	1,452	1,944	2,442	2,928	3,408
\$9,801 - \$11,300	966	1,200	1,452	1,944	2,442	2,928
\$11,301 - \$12,800	882	966	1,200	1,452	1,944	2,442
\$12,801 - \$14,300	792	882	966	1,200	1,452	1,944
\$14,301 - \$15,800	396	792	882	966	1,200	1,452
\$15,801 - \$18,800	0	396	792	882	966	1,200
\$18,801 - \$21,800	0	0	396	792	882	966
\$21,801 - \$24,800	0	0	0	396	792	882
\$24,801 - \$29,500	0	0	0	0	396	792
\$29,501 - \$34,500	0	0	0	0	0	396
Over \$34,500	0	0	0	0	0	0

Private Institution

Table of Grants

Maximum Grant \$5,466

<u>Gross Income</u>	<u>Number of Dependents</u>					
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>
<u>\$0 - \$4,800</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>
<u>\$4,801 - \$5,300</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>
<u>\$5,301 - \$5,800</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>
<u>\$5,801 - \$6,300</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>
<u>\$6,301 - \$6,800</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>
<u>\$6,801 - \$7,300</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>
<u>\$7,301 - \$8,300</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>
<u>\$8,301 - \$9,300</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>
<u>\$9,301 - \$10,300</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>
<u>\$10,301 - \$11,800</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>
<u>\$11,801 - \$13,300</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>
<u>\$13,301 - \$14,800</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>
<u>\$14,801 - \$16,300</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>

\$30,301 - \$35,300 == == == == == 444

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:

Table of Grants

<u>Gross Income</u>	<u>Maximum Grant \$4,128</u>				
	<u>Number of Dependents</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>
Under \$13,001	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128
\$13,001—\$14,000	3,726	4,128	4,128	4,128	4,128
\$14,001—\$15,000	3,288	3,726	4,128	4,128	4,128
\$15,001—\$16,000	2,874	3,288	3,726	4,128	4,128
\$16,001—\$17,000	2,490	2,874	3,288	3,726	4,128
\$17,001—\$20,000	2,046	2,490	2,874	3,288	3,726
\$20,001—\$23,000	1,656	2,046	2,490	2,874	3,288
\$23,001—\$26,000	1,266	1,656	2,046	2,490	2,874
\$26,001—\$29,000	1,014	1,266	1,656	2,046	2,490
\$29,001—\$30,000	810	1,014	1,266	1,656	2,046
\$30,001—\$31,000	762	810	1,014	1,266	1,656
\$31,001—\$32,000	672	762	810	1,014	1,266
\$32,001—\$33,000	336	672	762	810	1,014
\$33,001—\$34,000	-0-	336	672	762	810
\$34,001—\$35,000	-0-	-0-	336	672	762
\$35,001—\$36,000	-0-	-0-	-0-	336	672
\$36,001—\$37,000	-0-	-0-	-0-	-0-	336
Over \$37,000	-0-	-0-	-0-	-0-	-0-

Proprietary Institution

Table of Grants

<u>Gross Income</u>	<u>Maximum Grant \$4,632</u>				
	<u>Number of Dependents</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>
<u>\$0 - \$15,000</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>
<u>\$15,001 - \$16,000</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>
<u>\$16,001 - \$17,000</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>	<u>4,632</u>
<u>\$17,001 - \$18,000</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>	<u>4,632</u>
<u>\$18,001 - \$19,000</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>	<u>4,632</u>

<u>\$19,001 - \$22,000</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>	<u>4,182</u>
<u>\$22,001 - \$25,000</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>	<u>3,684</u>
<u>\$25,001 - \$28,000</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>	<u>3,222</u>
<u>\$28,001 - \$31,000</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>	<u>2,790</u>
<u>\$31,001 - \$32,000</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	<u>2,292</u>
<u>\$32,001 - \$33,000</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>
<u>\$33,001 - \$34,000</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>
<u>\$34,001 - \$35,000</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>

For a full-time student who is financially independent and enrolled in an educational institution that holds a certificate of registration from the state board of proprietary school registration, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Table of Grants

Gross Income	Maximum Grant \$4,128					
	Number of Dependents					
	0	1	2	3	4	5 or more
Under \$4,201	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128
\$4,201—\$4,800	3,726	4,128	4,128	4,128	4,128	4,128
\$4,801—\$5,300	3,288	3,726	4,128	4,128	4,128	4,128
\$5,301—\$5,800	2,874	3,288	3,726	4,128	4,128	4,128
\$5,801—\$6,300	2,490	2,874	3,288	3,726	4,128	4,128
\$6,301—\$6,800	2,046	2,490	2,874	3,288	3,726	4,128
\$6,801—\$7,800	1,656	2,046	2,490	2,874	3,288	3,726
\$7,801—\$8,800	1,266	1,656	2,046	2,490	2,874	3,288
\$8,801—\$9,800	1,014	1,266	1,656	2,046	2,490	2,874
\$9,801—\$11,300	810	1,014	1,266	1,656	2,046	2,490
\$11,301—\$12,800	762	810	1,014	1,266	1,656	2,046
\$12,801—\$14,300	672	762	810	1,014	1,266	1,656
\$14,301—\$15,800	336	672	762	810	1,014	1,266
\$15,801—\$18,800	-0-	336	672	762	810	1,014
\$18,801—\$21,800	-0-	-0-	336	672	762	810
\$21,801—\$24,800	-0-	-0-	-0-	336	672	762
\$24,801—\$29,500	-0-	-0-	-0-	-0-	336	672
\$29,501—\$34,500	-0-	-0-	-0-	-0-	-0-	336

<u>Gross Income</u>	<u>Proprietary Institution</u>					
	<u>Table of Grants</u>					
	<u>Maximum Grant \$4,632</u>					
	<u>Number of Dependents</u>					
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>
Over \$34,500	-0-	-0-	-0-	-0-	-0-	-0-
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632
\$5,301 - \$5,800	3,684	4,182	4,632	4,632	4,632	4,632
\$5,801 - \$6,300	3,222	3,684	4,182	4,632	4,632	4,632
\$6,301 - \$6,800	2,790	3,222	3,684	4,182	4,632	4,632
\$6,801 - \$7,300	2,292	2,790	3,222	3,684	4,182	4,632
\$7,301 - \$8,300	1,854	2,292	2,790	3,222	3,684	4,182
\$8,301 - \$9,300	1,416	1,854	2,292	2,790	3,222	3,684
\$9,301 - \$10,300	1,134	1,416	1,854	2,292	2,790	3,222
\$10,301 - \$11,800	906	1,134	1,416	1,854	2,292	2,790
\$11,801 - \$13,300	852	906	1,134	1,416	1,854	2,292
\$13,301 - \$14,800	750	852	906	1,134	1,416	1,854
\$14,801 - \$16,300	372	750	852	906	1,134	1,416
\$16,301 - \$19,300	--	372	750	852	906	1,134
\$19,301 - \$22,300	--	--	372	750	852	906
\$22,301 - \$25,300	--	--	--	372	750	852
\$25,301 - \$30,300	--	--	--	--	372	750
\$30,301 - \$35,300	--	--	--	--	--	372

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:

<u>Gross Income</u>	<u>Maximum Grant \$1,956</u>				
	<u>Number of Dependents</u>				
	<u>Table of Grants</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>
Under \$13,001	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956
\$13,001 - \$14,000	1,764	1,956	1,956	1,956	1,956
\$14,001 - \$15,000	1,554	1,764	1,956	1,956	1,956
\$15,001 - \$16,000	1,380	1,554	1,764	1,956	1,956
\$16,001 - \$17,000	1,182	1,380	1,554	1,764	1,956
\$17,001 - \$20,000	966	1,182	1,380	1,554	1,764

\$20,001—\$23,000	774	966	1,182	1,380	1,554
\$23,001—\$26,000	582	774	966	1,182	1,380
\$26,001—\$29,000	468	582	774	966	1,182
\$29,001—\$30,000	378	468	582	774	966
\$30,001—\$31,000	348	378	468	582	774
\$31,001—\$32,000	318	348	378	468	582
\$32,001—\$33,000	162	318	348	378	468
\$33,001—\$34,000	0	162	318	348	378
\$34,001—\$35,000	0	0	162	318	348
\$35,001—\$36,000	0	0	0	162	318
\$36,001—\$37,000	0	0	0	0	162
Over \$37,000	0	0	0	0	0

Public Institution

Table of Grants

Maximum Grant \$2,190

Number of Dependents

<u>Gross Income</u>	<u>Number of Dependents</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740
\$25,001 - \$28,000	648	864	1,080	1,320	1,542
\$28,001 - \$31,000	522	648	864	1,080	1,320
\$31,001 - \$32,000	420	522	648	864	1,080
\$32,001 - \$33,000	384	420	522	648	864
\$33,001 - \$34,000	354	384	420	522	648
\$34,001 - \$35,000	174	354	384	420	522
\$35,001 - \$36,000	--	174	354	384	420
\$36,001 - \$37,000	--	--	174	354	384
\$37,001 - \$38,000	--	--	--	174	354
\$38,001 - \$39,000	--	--	--	--	174

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Table of Grants

Gross Income	Maximum Grant \$1,956					
	Number of Dependents					
	0	1	2	3	4	5 or more
Under \$4,201	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956
4,201—4,800	1,764	1,956	1,956	1,956	1,956	1,956
4,801—5,300	1,554	1,764	1,956	1,956	1,956	1,956
5,301—5,800	1,380	1,554	1,764	1,956	1,956	1,956
5,801—6,300	1,182	1,380	1,554	1,764	1,956	1,956
6,301—6,800	966	1,182	1,380	1,554	1,764	1,956
6,801—7,800	774	966	1,182	1,380	1,554	1,764
7,801—8,800	582	774	966	1,182	1,380	1,554
8,801—9,800	468	582	774	966	1,182	1,380
9,801—\$11,300	378	468	582	774	966	1,182
\$11,301—\$12,800	348	378	468	582	774	966
\$12,801—\$14,300	318	348	378	468	582	774
\$14,301—\$15,800	162	318	348	378	468	582
\$15,801—\$18,800	-0-	162	318	348	378	468
\$18,801—\$21,800	-0-	-0-	162	318	348	378
\$21,801—\$24,800	-0-	-0-	-0-	162	318	348
\$24,801—\$29,500	-0-	-0-	-0-	-0-	162	318
\$29,501—\$34,500	-0-	-0-	-0-	-0-	-0-	162
Over \$34,500	-0-	-0-	-0-	-0-	-0-	-0-

Public Institution

Table of Grants

<u>Gross Income</u>	<u>Maximum Grant \$2,190</u>					
	<u>Number of Dependents</u>					
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>
<u>\$0 - \$4,800</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>
<u>\$4,801 - \$5,300</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>
<u>\$5,301 - \$5,800</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>
<u>\$5,801 - \$6,300</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>	<u>2,190</u>
<u>\$6,301 - \$6,800</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>	<u>2,190</u>
<u>\$6,801 - \$7,300</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>	<u>2,190</u>
<u>\$7,301 - \$8,300</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>	<u>1,974</u>
<u>\$8,301 - \$9,300</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>
<u>\$9,301 - \$10,300</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>
<u>\$10,301 - \$11,800</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>

<u>\$11,801 -</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>
<u>\$13,300</u>						
<u>\$13,301 -</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>
<u>\$14,800</u>						
<u>\$14,801 -</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>
<u>\$16,300</u>						
<u>\$16,301 -</u>	--	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>
<u>\$19,300</u>						
<u>\$19,301 -</u>	--	--	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>
<u>\$22,300</u>						
<u>\$22,301 -</u>	--	--	--	<u>174</u>	<u>354</u>	<u>384</u>
<u>\$25,300</u>						
<u>\$25,301 -</u>	--	--	--	--	<u>174</u>	<u>354</u>
<u>\$30,300</u>						
<u>\$30,301 -</u>	--	--	--	--	--	<u>174</u>
<u>\$35,300</u>						

(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 board of regents for the purposes of this division shall be paid at the times and in the amounts necessary to meet all payments required to be made ~~by such institutions and~~ by the board to the Ohio public facilities commission ~~or treasurer of state~~ pursuant to leases or agreements made ~~by them~~ under division (B) of section 154.21 of the Revised Code, as certified under division (C) of this section, including supplements to such certifications.

(B) ~~Each such institution of higher education and the~~ The board shall include in its estimate of proposed expenses submitted pursuant to section 126.02 of the Revised Code the estimated amounts of all such payments to be made by it. The board shall include the estimated amounts of all such payments to be made ~~by each such institution and of such payments to be made~~ by it in recommendations for appropriation required by division (J) of section 3333.04 of the Revised Code. The director of budget and management shall include in the state budget estimates provided for in section 126.02 of the Revised Code the estimated amount of all such

payments to be made during the next biennium, and this amount shall be included in the state budget to be submitted by the governor to the general assembly pursuant to section 107.03 of the Revised Code.

(C) On the first day of July of each year, or as soon thereafter as is practicable, the chancellor or a vice-chancellor of the board shall certify to the director the payments contracted to be made, during the period of the then current appropriations made for the purposes of division (A) of this section, to the commission ~~or treasurer of state by each state-supported and state-assisted institution of higher education~~ and by the board pursuant to leases and agreements made under division (B) of section 154.21 of the Revised Code. The certification shall state the amounts and dates of payment required therefor ~~as to each such institution of higher education and the board~~, and the amounts to be credited pursuant to such leases and agreements to the higher education bond service trust fund and other special funds established pursuant to Chapter 154. of the Revised Code. If the director finds such certification to be correct, the director shall promptly add the director's certification thereto and submit it to the treasurer of state. Such annual certification shall be supplemented in similar manner upon the execution of each new lease or agreement, any supplement to an existing lease or agreement, or any amendment thereof, affecting the amounts of those payments.

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the Revised Code, "term" and "academic year" mean "term" and "academic year" as defined by the Ohio board of regents.

The board shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code.

To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted, is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code, or holds a certificate of registration and program authorization issued under section 3332.05 of the Revised Code and awards an associate or bachelor's degree. Students who attend an institution holding

a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization to offer the program issued under section 3332.05 of the Revised Code.

"Resident" and "full-time student" shall be defined by board rule.

The board shall award the scholarships on the basis of a formula designed by it to identify students with the highest capability for successful college study. The formula shall weigh the factor of achievement, as measured by grade point average, and the factor of ability, as measured by performance on a competitive examination specified by the board. Students receiving scholarships shall be known as "Ohio academic scholars." Annually, not later than the thirty-first day of July, the board shall report to the governor and the general assembly on the performance of current Ohio academic scholars and the effectiveness of its formula.

Sec. 3333.22. Each Ohio academic scholarship shall be awarded for an academic year and may be renewed for each of three additional academic years. The scholarship amount awarded to a scholar for an academic year shall be not less than two thousand dollars. A scholarship shall be renewed if the scholar maintains an academic record satisfactory to the Ohio board of regents and meets any of the following conditions:

(A) The scholar is enrolled as a full-time undergraduate;

(B) The scholar was awarded an undergraduate degree in less than four academic years and is enrolled as a full-time graduate or professional student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted or is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code;

(C) The scholar is a full-time student concurrently enrolled as an undergraduate student and as a graduate or professional student in an Ohio institution of higher education that meets the requirements of division (B) of this section.

Each amount awarded shall be paid in equal installments to the scholar at the time of enrollment for each term of the academic year for which the scholarship is awarded or renewed. No scholar is eligible to receive an Ohio academic scholarship for more than the equivalent of four academic years.

If an Ohio academic scholar is temporarily unable to attend school because of illness or other cause satisfactory to the board, the board may grant a leave of absence for a designated period of time. If a scholar discontinues full-time attendance at the scholar's school during a term because of illness or other cause satisfactory to the board, the scholar may

either claim a prorated payment for the period of actual attendance or waive payment for that term. A term for which prorated payment is made shall be considered a full term for which a scholarship was received. A term for which payment is waived shall not be considered a term for which a scholarship was received.

Receipt of an Ohio academic scholarship shall not affect a scholar's eligibility for the Ohio instructional grant program.

Sec. 3345.05. (A) All registration fees, nonresident tuition fees, academic fees for the support of off-campus instruction, laboratory and course fees when so assessed and collected, student health fees for the support of a student health service, all other fees, deposits, charges, receipts, and income from all or part of the students, all subsidy or other payments from state appropriations, and all other fees, deposits, charges, receipts, and income received by each state-supported university and college, the Ohio state university hospitals and their ancillary facilities, the Ohio agricultural research and development center, and the Ohio state university cooperative extension service shall be held and administered by the respective boards of trustees of the state-supported universities and colleges; provided, that such fees, deposits, charges, receipts, and income, to the extent required by resolutions, trust agreements, indentures, leases, and agreements adopted, made, or entered into under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the Revised Code, shall be held, administered, transferred, and applied in accordance therewith.

The Ohio board of regents shall require annual reporting by the Ohio agricultural research and development center and by each university and college receiving state aid in such form and detail as determined by the board in consultation with such center, universities and colleges, and the director of budget and management.

(B) No board of trustees shall be eligible to make investments under this division unless a foundation has been or is established for the institution and that foundation enters into the agreement specified in this division. Notwithstanding any provision of the Revised Code to the contrary, the title to investments made by a board of trustees using any revenues described by division (A) of this section shall not be vested in the state, but shall be held in trust by the board of trustees. Such investments shall be made pursuant to an investment policy developed in consultation with the auditor of state and approved by the board in public session. The policy adopted by the board shall require at a minimum:

(1) That at the beginning of each fiscal year, the board of trustees review and approve a cash budget which shall indicate those funds needed

for current operations and those funds not needed for current operations available to be invested by the board;

(2) That the board of trustees and the institution's foundation enter into an agreement under which the foundation shall establish a reserve fund equal to at least twenty-five per cent of the value of the investments made by the board, which agreement shall stipulate that the total amount of such reserve fund shall be payable from the foundation to the institution should at any time the value of the investments made by the board decline to or below seventy-five per cent of the value of the original investments.

(3) That any investment in securities be limited to only investment-grade securities;

(4) The establishment of an investments committee. The committee shall review and recommend to the board any revision in the investment policy and shall provide advice on the institution's investments in order to ensure the best and safest return of funds available to the institution for deposit or investment. The committee shall be required to meet at least quarterly and shall be authorized to retain the services of an investment advisor, provided the advisor is licensed by the division of securities under section 1707.141 of the Revised Code or is registered with the United States securities and exchange commission, and possesses public funds investment experience, specifically in the area of state and local government investment portfolios or provided the advisor is an eligible institution mentioned in section 135.03 of the Revised Code.

Sec. 3345.19. In the exercise of their respective powers of government conferred by Chapter 3345. of the Revised Code and other pertinent provisions of law, the boards of trustees of Bowling Green state university, Kent state university, Miami university, Ohio university, and the Ohio state university shall observe the following enrollment limitations insofar as the autumn quarter enrollment or any other quarter enrollment on a full-time equivalent basis as defined by the Ohio board of regents is concerned:

Bowling Green central campus	16,000 <u>17,000</u>
Kent central campus	21,000 <u>22,000</u>
Miami central campus	16,000 <u>17,000</u>
Ohio university central campus	21,000 <u>22,000</u>
The Ohio state central campus	41,000 <u>42,000</u>

Campus student housing facilities shall only be authorized by boards of trustees within these limitations, ~~and no contracts for construction of new residence hall facilities shall be entered into after October 1, 1969, without the prior approval by the Ohio board of regents.~~

Sec. 3353.07. The On and after the effective date of this amendment, the

Ohio educational telecommunications network commission shall ~~not charge or collect broadcasting fees from~~ operate the Ohio government telecommunications ~~of system that was operated by~~ the capitol square review and advisory board prior to the effective date of this amendment.

Sec. 3353.11. There is hereby created in the state treasury the governmental television/telecommunications operating fund. The fund shall consist of money received from contract productions of the Ohio government telecommunications studio and shall be used for operations or equipment breakdowns related to the studio. All investment earnings on the fund shall be credited to the fund.

Sec. 3383.01. As used in this chapter:

(A) "Arts" means any of the following:

(1) Visual, musical, dramatic, graphic, and other arts ~~and includes,~~ including, but ~~is~~ not limited to, architecture, dance, literature, motion pictures, music, painting, photography, sculpture, and theater;

(2) The presentation or making available, in museums or other indoor or outdoor facilities, of principles of science and their development, use, or application in business, industry, or commerce or of the history, heritage, development, presentation, and uses of the arts ~~as defined above~~ described in division (A)(1) of this section and of transportation;

(3) The preservation, presentation, or making available of features of archaeological, architectural, environmental, or historical interest or significance in a state historical facility or a local historical facility.

(B) "Arts organization" means either of the following:

(1) A governmental agency or Ohio nonprofit corporation that provides programs or activities in areas directly concerned with the arts;

(2) A regional arts and cultural district as defined in section 3381.01 of the Revised Code.

(C) "Arts project" means all or any portion of an Ohio arts facility for which the general assembly has specifically authorized the spending of money, or made an appropriation, pursuant to division (D)(3) or (E) of section 3383.07 of the Revised Code.

(D) "Cooperative contract" means a contract between the Ohio arts and sports facilities commission and an arts organization providing the terms and conditions of the cooperative use of an Ohio arts facility.

(E) "Costs of operation" means amounts required to manage an Ohio arts facility that are incurred following the completion of construction of its arts project, provided that both of the following apply:

(1) Those amounts either:

(a) Have been committed to a fund dedicated to that purpose;

(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.

(2) The commission and the arts organization have executed an agreement with respect to either of those funds.

~~(E)~~(F) "General building services" means general building services for an Ohio arts facility or an Ohio sports facility, including, but not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.

~~(F)~~(G) "Governmental agency" means a state agency, a state-supported or state-assisted institution of higher education, a municipal corporation, county, township, or school district, a port authority created under Chapter 4582. of the Revised Code, any other political subdivision or special district in this state established by or pursuant to law, or any combination of these entities; except where otherwise indicated, the United States or any department, division, or agency of the United States, or any agency, commission, or authority established pursuant to an interstate compact or agreement.

~~(G)~~(H) "Local contributions" means the value of an asset provided by or on behalf of an arts organization from sources other than the state, the value and nature of which shall be approved by the Ohio arts and sports facilities commission, in its sole discretion. "Local contributions" may include the value of the site where an arts project is to be constructed. All "local contributions," except a contribution attributable to such a site, shall be for the costs of construction of an arts project or the costs of operation of an arts facility.

~~(H)~~(I) "Local historical facility" means a site or facility, other than a state historical 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 an arts organization, provided the facility meets the requirements of division ~~(J)~~(K)(2)(b) of this section, is managed by or pursuant to a contract with the Ohio arts and sports facilities commission, and is used for or in connection with the activities of the commission, including the presentation or making available of arts to the public.

~~(I)~~(J) "Manage," "operate," or "management" means the provision of, or the exercise of control over the provision of, activities:

(1) Relating to the arts for an Ohio arts facility, including as applicable, but not limited to, providing for displays, exhibitions, specimens, and models; booking of artists, performances, or presentations; scheduling; and

hiring or contracting for directors, curators, technical and scientific staff, ushers, stage managers, and others directly related to the arts activities in the facility; but not including general building services;

(2) Relating to sports and athletic events for an Ohio sports facility, including as applicable, but not limited to, providing for booking of athletes, teams, and events; scheduling; and hiring or contracting for staff, ushers, managers, and others directly related to the sports and athletic events in the facility; but not including general building services.

~~(J)~~(K) "Ohio arts facility" means any of the following:

(1) The three theaters located in the state office tower at 77 South High street in Columbus;

(2) Any capital facility in this state to which ~~at~~ both of the following apply:

(a) The construction of an arts project related to the facility was authorized or funded by the general assembly pursuant to division (D)(3) of section 3383.07 of the Revised Code and proceeds of state bonds are used for costs of the arts project.

~~(b) The state owns or has sufficient real property interests in the facility or in the portion of the facility financed from the proceeds of obligations or in the site of the facility for a period of no less than the greater of the useful life of the portion of the facility financed from the proceeds of those obligations as determined by the director of budget and management using the guidelines for maximum maturities as provided under divisions (B), (C), and (E) of section 133.20 of the Revised Code, or the period of time remaining to the date of payment or provision for payment of outstanding obligations issued by the Ohio building authority allocable to costs of that portion of the facility, as determined by the director of budget and management, in either case as certified to the Ohio arts and sports facilities commission and the Ohio building authority.~~

~~(c)~~ (e) The facility is managed directly by, or by is subject to a cooperative or management contract with, the Ohio arts and sports facilities commission, and is used for or in connection with the activities of the commission, including the presentation or making available of arts to the public. A cooperative or management contract shall be for a term not less than the time remaining to the date of payment or provision for payment of any state bonds issued to pay the costs of the arts project, as determined by the director of budget and management and certified by the director to the Ohio arts and sports facilities commission and to the Ohio building authority.

(3) A state historical facility or a local historical facility.

~~(K)~~(L) "State agency" means the state or any of its branches, officers,

boards, commissions, authorities, departments, divisions, or other units or agencies.

~~(L)~~(M) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.

~~(M)~~(N) "State historical facility" means a site or facility of archaeological, architectural, environmental, or historical interest or significance, or a facility, including a storage facility, appurtenant to the operations of such a site or facility, that is owned by or is located on real property owned by the state or by an arts organization, so long as the real property of the arts organization ~~meets the requirements of division (J)(2)(b) of this section and~~ is contiguous to state-owned real property that is in the care, custody, and control of an arts organization, and that is managed directly by or ~~by~~ is subject to a cooperative or management contract with the Ohio arts and sports facilities commission; and ~~that~~ is used for or in connection with the activities of the commission, including the presentation or making available of arts to the public.

~~(N)~~(O) "Ohio sports facility" means all or a portion of a stadium, arena, or other capital facility in ~~Ohio~~ this state, a primary purpose of which is to provide a site or venue for the presentation to the public of events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state, which facility is owned by or is located on real property owned by the state or a governmental agency, and including all parking facilities, walkways, and other auxiliary facilities, equipment, furnishings, and real and personal property and interests and rights therein, that may be appropriate for or used for or in connection with the facility or its operation, for capital costs of which state funds are spent pursuant to this chapter. A facility constructed as an Ohio sports facility may be both an Ohio arts facility and an Ohio sports facility.

Sec. 3383.02. (A) There is hereby created the Ohio arts and sports facilities commission. Notwithstanding any provision to the contrary contained in Chapter 152. of the Revised Code, the commission shall engage in and provide for the development, performance, and presentation or making available of the arts and professional sports and athletics to the public in this state by the exercise of its powers under this chapter, including the provision, operation, ~~and~~ management, and cooperative use of Ohio arts facilities and Ohio sports facilities. The commission is a body corporate and politic, an agency of state government and an instrumentality of the state,

performing essential governmental functions of this state. The carrying out of the purposes and the exercise by the commission of its powers conferred by this chapter are essential public functions and public purposes of the state and of state government. The commission may, in its own name, sue and be sued, enter into contracts, and perform all the powers and duties given to it by this chapter but it does not have and shall not exercise the power of eminent domain.

(B) The commission shall consist of ~~eight ten~~ members, ~~five seven~~ of whom shall be voting members and three of whom shall be nonvoting members. The ~~five seven~~ voting members shall be appointed by the governor, with the advice and consent of the senate, from different geographical regions of the state. In addition, one of the voting members shall represent the state architect. Not more than ~~three four~~ of the members appointed by the governor shall be affiliated with the same political party. The nonvoting members shall be the staff director of the Ohio arts council, a member of the senate appointed by the president of the senate, and a member of the house of representatives appointed by the speaker of the house.

(C) Of the five initial appointments made by the governor, one shall be for a term expiring December 31, 1989, two shall be for terms expiring December 31, 1990, and two shall be for terms expiring December 31, 1991. Of the initial appointments of the sixth and seventh voting members appointed by the governor as a result of this amendment, one shall be for a term expiring December 31, 2003, and one shall be for a term expiring December 31, 2004. Thereafter, each such term shall be for three years, commencing on the first day of January and ending on the thirty-first day of December. Each appointment by the president of the senate and by the speaker of the house of representatives shall be for the balance of the then legislative biennium. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) Members of the commission shall serve without compensation.

~~(E) After each initial member of the commission has been appointed, the commission shall meet and organize by electing one of its voting members as chairperson and other voting members as vice chairperson and~~

~~secretary-treasurer, who shall hold their offices until the next organizational meeting of the commission.~~ Organizational meetings of the commission shall be held at the first meeting of each calendar year. At each organizational meeting, the commission shall elect from among its voting members a chairperson, a vice-chairperson, and a secretary-treasurer, who shall serve until the next annual meeting. The commission shall adopt rules pursuant to section 111.15 of the Revised Code for the conduct of its internal business and shall keep a journal of its proceedings.

(F) ~~Three~~ Four voting members of the commission constitute a quorum, and the affirmative vote of ~~three~~ four members is necessary for approval of any action taken by the commission. A vacancy in the membership of the commission does not impair a quorum from exercising all the rights and performing all the duties of the commission. Meetings of the commission may be held anywhere in the state, and shall be held in compliance with section 121.22 of the Revised Code.

(G) All expenses incurred in carrying out this chapter are payable solely from money accrued under this chapter or appropriated for these purposes by the general assembly, and the commission shall incur no liability or obligation beyond such money.

(H) The commission shall file an annual report of its activities and finances with the governor, director of budget and management, speaker of the house of representatives, president of the senate, and chairpersons of the house and senate finance committees.

(I) There is hereby established in the state treasury the Ohio arts and sports facilities commission administration fund. All revenues of the commission shall be credited to that fund and to any accounts created in the fund with the commission's approval. All expenses of the commission, including reimbursement of, or payment to, any other fund or any governmental agency for advances made or services rendered to or on behalf of the commission, shall be paid from the Ohio arts and sports facilities commission administration fund as determined by or pursuant to directions of the commission. All investment earnings of the administration fund shall be credited to the fund and shall be allocated among any accounts created in the fund in the manner determined by the commission.

(J) Title to all real property and lesser interests in real property acquired by the commission, including leasehold and other interests, pursuant to this chapter shall be taken in the name of the state and shall be held for the use and benefit of the commission. The commission shall not mortgage such real property and interests in real property. Title to other property and interests in it acquired by the commission pursuant to this chapter shall be

taken in its name.

Sec. 3383.04. The Ohio arts and sports facilities commission may:

(A) Employ and fix the compensation of an executive director and such other employees as will facilitate the activities and purposes of the commission. Any executive director shall serve at the pleasure of the commission and may serve part-time. Other employees shall be employed by and serve at the pleasure of the commission or the executive director, as determined by the commission.

(B) Adopt, amend, and rescind, pursuant to section 111.15 of the Revised Code, rules for the management and operation of Ohio arts facilities and Ohio sports facilities and for the exercise of all of the commission's rights with respect to those facilities;

(C) Own, construct or provide for the construction of, lease, equip, furnish, administer, and manage or provide for the operation and management of, and cooperate in the use of, Ohio arts facilities and Ohio sports facilities;

(D) Dispose of, whether by sale, lease, lease-purchase, sublease, re-lease, or otherwise, real and personal property, and lesser interests in it, held or owned by the state for the use and benefit of the commission or held or owned by the commission, if not needed for the commission's purposes, upon such terms as the commission determines, subject to approval by the governor in the case of real property and interests in it;

(E) Grant such easements and other interests in real or personal property of the commission as will not interfere with the use of the property as an Ohio arts facility or an Ohio sports facility;

(F) Fix, alter, and collect rentals and other charges for the use or availability for use of Ohio arts facilities or an Ohio sports facility, as determined solely by the commission, for the purpose of providing for all or a portion of the costs and expenses of the commission, and the costs to be paid by the commission of leasing, constructing, equipping, repairing, maintaining, administering, ~~and~~ managing, and cooperating in the use of Ohio arts facilities, including rentals to be paid by the commission for any Ohio arts facilities or for any Ohio sports facility;

(G) Lease, sublease, cooperate in the use of, or otherwise make available to an arts organization, Ohio arts facilities, and to any governmental agency or nonprofit corporation, Ohio sports facilities, including real and personal property, or any interests in it, to carry out the purposes of this chapter;

(H) Contract with, retain the services of, or designate, and fix the compensation of, such agents, accountants, attorneys, consultants, advisers,

and other independent contractors as may be necessary or desirable to carry out the purposes of this chapter;

(I) Procure insurance against loss to the commission by reason of damages to or nonusability of its property resulting from fire, theft, accident, or other casualties, or by reason of its liability for any damages to persons or property, including but not limited to, general liability insurance, business interruption insurance, liability insurance for members, officers, and employees, and copyright liability insurance;

(J) Receive and accept gifts, grants, devises, bequests, loans, and any other financial or other form of aid or assistance from any governmental agency or other person and enter into any contract or agreement with any such agency or other person in connection therewith, and receive and accept aid or contributions from any other source of money, real or personal property, labor, or other things of value, to be held, used, and applied only for the purposes for which the aid and contributions are made and according to their terms and conditions, all within the purposes of this chapter;

(K) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental to the performance of its duties and the execution of its rights and powers under this chapter;

(L) Do anything necessary or appropriate to carry out the purposes of and exercise the powers granted in this chapter;

(M) Contract with any governmental agency or nonprofit corporation to provide or cause to be provided services, including general building services, in, to, or for an Ohio arts facility or any Ohio sports facility, or with an arts organization for the management of an Ohio arts facility, or with a governmental agency or nonprofit corporation for the management of an Ohio sports facility, all in furtherance of the state function, and make contracts pursuant to divisions (A) and (B) of section 3383.07 of the Revised Code, except that nothing in this chapter limits the exercise of the care, custody, control, and management of those state historical facilities specified in section 149.30 of the Revised Code.

Sec. 3383.07. (A) The department of administrative services shall provide for the construction of an arts project in conformity with Chapter 153. of the Revised Code, except as follows:

(1) For an arts project that has an estimated construction cost, excluding the cost of acquisition, of twenty-five million dollars or more, and that is financed by the Ohio building authority, construction services may be provided by the authority if the authority determines it should provide those services.

(2) For an arts project other than a state historical facility, construction

ervices may be provided on behalf of the state by the Ohio arts and sports facilities commission, or by a governmental agency or an arts organization that occupies, will occupy, or is responsible for the Ohio arts facility, as determined by the ~~department of administrative services~~ commission. Construction services to be provided by a governmental agency or an arts organization shall be specified in an agreement between the commission and the governmental agency or arts organization. The agreement, or any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.151 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code.

(3) For an arts project that is a state historical facility, construction services may be provided by the Ohio arts and sports facilities commission or by an arts organization that occupies, will occupy, or is responsible for the facility, as determined by the commission. The construction services to be provided by the arts organization shall be specified in an agreement between the commission and the arts organization, ~~and the~~ That agreement, and any actions taken under it, are not subject to Chapter 123., 153., or 4115. of the Revised Code.

(B) For an Ohio sports facility that is financed in part by the Ohio building authority, construction services shall be provided on behalf of the state by or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility, all as determined by the Ohio arts and sports facilities commission. Any construction services to be provided by a governmental agency or nonprofit corporation shall be specified in an agreement between the commission and the governmental agency or nonprofit corporation, ~~and the~~ That agreement, and any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.151 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code.

(C) General building services for an Ohio arts facility shall be provided by ~~the department of administrative services in conformity with Chapter 123. of the Revised Code, except that the Ohio building authority may elect to provide such services for Ohio arts facilities it financed and such services may be provided by~~ the Ohio arts and sports facilities commission or by an arts organization that occupies, will occupy, or is responsible for the facility, as determined by the commission, except that the Ohio building authority may elect to provide those services for Ohio arts facilities financed with proceeds of state bonds issued by the authority. The costs of management and general building services shall be paid by the arts organization that

occupies, will occupy, or is responsible for the facility as provided in an agreement between the commission and the arts organization, except that the state may pay for general building services for state-owned arts facilities constructed on state-owned land. ~~General~~

General building services for an Ohio sports facility shall be provided by or at the direction of the governmental agency or nonprofit corporation that will be responsible for the management of the facility, all as determined by the commission. Any general building services to be provided by a governmental agency or nonprofit corporation for an Ohio sports facility shall be specified in an agreement between the commission and the governmental agency or nonprofit corporation, ~~and that. That~~ agreement, and any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.151 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code.

(D) This division does not apply to a state historical facility. No state funds, including any state bond proceeds, shall be spent on the construction of any arts project under this chapter unless, with respect to the arts project and to the Ohio arts facility related to the project, all of the following apply:

(1) The Ohio arts and sports facilities commission has determined that there is a need for the arts project and the Ohio arts facility related to the project in the region of the state ~~for in~~ which the Ohio arts facility is located or for which the facility is proposed to be located.

(2) The commission has determined that, as an indication of substantial regional support for the arts project, the arts organization has made provision satisfactory to the commission, in its sole discretion, for local contributions amounting to not less than fifty per cent of the total state funding for the arts project.

(3) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the arts project, or for rental payments relating to the financing of the construction of the arts project. Authorization to spend money, or an appropriation, for planning the arts project does not constitute authorization to spend money on, or an appropriation for, construction of the arts project.

(E) No state funds, including any state bond proceeds, shall be spent on the construction of any state historical facility under this chapter unless the general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the arts project related to the facility, or for rental payments relating to the financing of the construction of the arts project. Authorization to spend money, or an appropriation, for planning the arts project does not constitute authorization to spend money

on, or an appropriation for, the construction of the arts project.

(F) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

(1) The Ohio arts and sports facilities commission has determined that there is a need for the facility in the region of the state for which the facility is proposed to provide the function of an Ohio sports facility as provided for in this chapter.

(2) As an indication of substantial local support for the facility, the commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state.

(3) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the facility, or for rental payments relating to state financing of all or a portion of the costs of constructing the facility. Authorization to spend money, or an appropriation, for planning or determining the feasibility of or need for the facility does not constitute authorization to spend money on, or an appropriation for, costs of constructing the facility.

(4) If state bond proceeds are being used for the Ohio sports facility, the state or a governmental agency owns or has sufficient property interests in the facility or in the site of the facility or in the portion or portions of the facility financed from proceeds of state bonds, which may include, but is not limited to, the right to use or to require the use of the facility for the presentation of sport and athletic events to the public at the facility, extending for a period of not less than the greater of the useful life of the portion of the facility financed from proceeds of those bonds as determined using the guidelines for maximum maturities as provided under divisions (B), (C), and (D) of section 133.20 of the Revised Code, or the period of time remaining to the date of payment or provision for payment of outstanding state bonds allocable to costs of the facility, all as determined by the director of budget and management and certified by the director to the Ohio arts and sports facilities commission and to the Ohio building authority.

Sec. 3383.09. (A) There is hereby created in the state treasury the arts facilities building fund, which shall consist of proceeds of obligations

authorized to pay costs of arts facilities projects for which appropriations are made by the general assembly. All investment earnings of the fund shall be credited to the fund.

(B) There is hereby created in the state treasury the sports facilities building fund, which shall consist of proceeds of obligations authorized to pay costs of sports facilities projects for which appropriations are made by the general assembly. All investment earnings of the fund shall be credited to the fund.

(C) The director of budget and management may transfer, to the Ohio arts and sports facilities commission administration fund, investment earnings credited to the arts facilities building fund and the sports facilities building fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements when requested of the director of budget and management by the chairperson or executive director of the commission.

Sec. 3505.063. (A) When the general assembly adopts a resolution proposing a constitutional amendment, it ~~shall~~ may, by resolution, designate a group of members who voted in support of the resolution to prepare arguments for the proposed amendment, and a group of members who voted in opposition to the resolution to prepare arguments against the proposed amendment. If no members voted in opposition to the resolution, or if the general assembly chooses not to designate a group of members to prepare arguments for the proposed amendment or chooses not to designate a group of members to prepare arguments against the proposed amendment, the Ohio ballot board may prepare the relevant arguments ~~against the proposed amendment~~ or designate a group of persons to prepare ~~such~~ the relevant arguments. All arguments shall be filed with the secretary of state no later than seventy-five days before the date of the election. No argument shall exceed three hundred words.

(B) The secretary of state shall disseminate information, which may include part or all of the official explanation and arguments concerning proposed amendments, by means of direct mail or other written publication, broadcast, or such other means, or combination of means, as the Ohio ballot board may direct, in order to inform the voters as fully as possible concerning proposed amendments.

Sec. 3701.04. (A) The director of health shall:

(1) Require such reports and make such inspections and investigations as the director considers necessary;

(2) Provide such methods of administration, appoint such personnel, make such reports, and take such other action as may be necessary to comply with the requirements of the federal act and the regulations

thereunder;

(3) Procure by contract the temporary or intermittent services of experts or consultants or organizations thereof when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

(4) Enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;

(5) ~~Accept on~~ On behalf of the state, solicit, accept, hold, administer, and deposit in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code, any grant, gift, devise, bequest, or contribution made to assist in meeting the cost of carrying out the director's responsibilities and expend the grant, gift, devise, bequest, or contribution for ~~such~~ the purpose for which made. Fees collected by the director in connection with meetings and conferences shall also be credited to the fund and expended for the purposes for which paid.

(6) Make an annual report to the governor on activities and expenditures, including recommendations for such additional legislation as the director considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this state.

(B) The director of health may enter into agreements to sell services offered by the department to other departments, agencies, and institutions of the state. Fees collected by the director for the sale of services under this division shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code.

Sec. 3701.142. (A) The director of health shall appoint the chief and the administrative assistant of the office of women's health initiatives. The director may appoint, to the extent of available funds, persons to other positions determined by ~~him~~ the director to be relevant and necessary.

(B) The chief shall have all of the following qualifications, plus any additional qualifications the director considers appropriate:

(1) The equivalent of a masters or higher degree in public health, medicine, health sciences, environmental science, law, public administration, or a related field;

(2) Familiarity with national maternal and child health objectives of the department;

(3) Knowledge of or experience in women's and infants' preventive health care;

(4) Understanding of health care delivery systems;

(5) A global public health perspective.

(C)(1) The majority of the chief's time shall be spent in the performance

of the following responsibilities:

- (a) Identifying issues that affect women's health;
- (b) Advocating for women's health concerns within the department, state government, and the community;
- (c) Serving as a liaison for the public, interest groups, the department, and other state agencies on issues that affect women's health;
- (d) Developing recommendations to the director regarding programs addressing women's health issues for inclusion in the biennial budget and departmental strategic planning;
- (e) Preparing materials for publication.

(2) In addition, the chief shall do the following:

(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;

(b) Supervise the administrative assistant and any other employees assigned to the office of women's health initiatives;

(c) Oversee the administrative operations of the office of women's health initiatives;

(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;

(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 department of health the governor's advisory council on physical fitness, wellness, and sports advisory board, which shall consist of ~~eleven~~ fifteen members, seven of whom shall be appointed by the governor and shall be representative of physicians, pediatricians, coaches, athletic trainers, athletes, educators, ~~and such other persons or professions interested in the physical fitness of the citizens of the state as the governor considers appropriate~~ physical therapists, dentists, nutritionists, exercise physiologists, and one worksite wellness person. Four ~~board council~~ members shall be members of the general assembly, of whom one shall be appointed by the president of the senate, one by the minority leader of the senate, one by the speaker of the house of representatives, and one by the minority leader of the house of representatives. Four council members shall be appointed by the director of health. All members of the ~~board council~~ shall serve two-year terms, commencing on the first day of January of each odd-numbered year and ending on the thirty-first day of December of the following year, except that each member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ the member's successor is appointed, or until a period of sixty days has elapsed, whichever occurs first. Members may be reappointed to additional terms. Vacancies shall be filled in the manner provided for original appointments, and a vacancy shall be considered to occur whenever a member of the general assembly ceases to be a member of the house from which ~~he~~ the member was appointed. The director ~~of health~~ annually shall select from the membership of the ~~board council~~ a ~~chairman~~ chairperson, and the ~~board council~~ shall select from its membership a ~~vice-chairman~~ vice-chairperson and secretary. Members of the ~~board council~~ shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. 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 ~~3701.861~~ 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 is hereby created in the state treasury for use solely by the ~~board~~ council in administering those sections. The ~~board~~ council shall administer the fund.

(C) The ~~board~~ council shall assist the director of health in promoting and sponsoring public sporting, wellness, and physical fitness events, and members shall lend their names and presence to these events to encourage greater public participation.

(D) The ~~board~~ council may develop a program of statewide amateur athletic competition to be known as the "buckeye state games," which shall be patterned after the Olympic games to the extent possible considering the availability of facilities, equipment, and expertise. The buckeye state games shall be designed to encourage the participation of athletes representing a broad range of age groups, skill levels, and communities. Participants shall be residents of the state. Regional competition may be held throughout the state, and the top qualifiers in each sport shall proceed to the final competition to be held at a centrally located site in the state that has the necessary facilities and equipment for conducting the competition. The

frequency of the games shall be determined by the ~~board~~ council.

Sec. 3701.772. The director of health shall cause to be prepared certificates and awards bearing the printed facsimile signature of the governor, to be awarded to persons who participate in physical fitness, wellness, and sports programs recommended by the governor's advisory council on physical fitness, wellness, and sports ~~advisory board~~ and adopted by the director. The director shall provide for the distribution of the certificates and awards to qualifying persons through agreements with civic groups, professional associations, running clubs, amateur and professional sports groups, individual citizens, voluntary organizations, political subdivisions, school districts, and others interested in promoting and improving the health and physical fitness of the citizens of the state.

The director may adopt such rules as necessary to carry out the purposes of sections ~~3701.85~~ 3701.77 to ~~3701.86~~ 3701.772 of the Revised Code.

Sec. 3701.92. (A) There is hereby created in the department of health the Ohio hepatitis C advisory commission.

(B) The commission shall consist of the following members:

(1) Eleven members appointed by the director of health;

(2) Two members of the house of representatives, one from each political party, appointed by the speaker of the house of representatives;

(3) Two members of the senate, one from each political party, appointed by the president of the senate.

Each member shall serve without compensation for a term of one year.

Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 of the Revised Code, this section applies to the review of certificate of need applications during the period beginning July 1, 1993, and ending June 30, ~~2001~~ 2003.

(B)(1) Except as provided in division (B)(2) of this section, the director of health shall neither grant nor deny any application for a certificate of need submitted prior to July 1, 1993, if the application was for any of the following and the director had not issued a written decision concerning the application prior to that date:

(a) Approval of beds in a new health care facility or an increase of beds in an existing health care facility, if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;

(b) Approval of beds in a new county home or new county nursing home as defined in section 5155.31 of the Revised Code, or an increase of beds in an existing county home or existing county nursing home, if the beds are proposed to be certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX of the "Social Security Act,"

49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(c) Recategorization of hospital beds as described in section 3702.522 of the Revised Code, an increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long-term care beds or skilled nursing facility beds, or a recategorization of hospital beds that would result in an increase of beds registered pursuant to that section as long-term care beds or skilled nursing facility beds.

On July 1, 1993, the director shall return each such application to the applicant and, notwithstanding section 3702.52 of the Revised Code regarding the uses of the certificate of need fund, shall refund to the applicant the application fee paid under that section. Applications returned under division (B)(1) of this section may be resubmitted in accordance with section 3702.52 of the Revised Code no sooner than July 1, ~~2001~~ 2003.

(2) The director shall continue to review and shall issue a decision regarding any application submitted prior to July 1, 1993, to increase beds for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated.

(C)(1) Except as provided in division (C)(2) of this section, the director, during the period beginning July 1, 1993, and ending June 30, ~~2001~~ 2003, shall not accept for review under section 3702.52 of the Revised Code any application for a certificate of need for any of the purposes described in divisions (B)(1)(a) to (c) of this section.

(2) The director shall accept for review any application for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated. The director also shall accept for review any application that seeks certificate of need approval for existing beds located in an infirmary that is operated exclusively by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and was providing care exclusively to members of such a religious order on January 1, 1994.

(D) The director shall issue a decision regarding any case remanded by a court as the result of a decision issued by the director prior to July 1, 1993, to grant, deny, or withdraw a certificate of need for any of the purposes described in divisions (B)(1)(a) to (c) of this section.

(E) The director shall not project the need for beds listed in division (B)(1) of this section for the period beginning July 1, 1993, and ending June 30, ~~2001~~ 2003.

This section is an interim section effective until July 1, ~~2001~~ 2003.

Sec. 3704.034. (A) Within sixty days after the director of environmental protection or ~~his~~ the director's agent or authorized representative receives ~~an application for the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code, an application to modify such a permit, or an application for the issuance of an initial permit to operate, or for the modification or renewal of such a permit,~~ pursuant to rules adopted under division (G) of section 3704.03 of the Revised Code, the director shall determine whether the application is substantially complete or materially deficient and, in writing, shall notify the applicant of ~~his~~ the director's determination. If the director fails to make such a completeness determination and provide written notice of ~~his~~ the determination to the applicant within sixty days after the application was submitted, the applicant may submit a written request to the director for the making of such a completeness determination.

(B) Within thirty days after receiving a written request for the making of a completeness determination on an application under division (A) of this section, the director shall determine whether the application is substantially complete or materially deficient and, in writing, notify the applicant of ~~his~~ the determination. If the director fails to make a completeness determination and provide written notice of ~~his~~ the director's determination to the applicant within thirty days after receiving the applicant's written request for the making of the determination, the application shall be deemed to have been complete in all material respects at the time that it was submitted to the director or ~~his~~ the director's agent or authorized representative.

(C) If, within the time prescribed in division (A) and, if applicable, division (B) of this section, the director determines that an application is materially deficient, the director shall return the application to the applicant together with the written notice of material deficiency. The running of the time prescribed under division (A) and, if applicable, division (B) of this section ceases at the time that the determination is made. If the applicant subsequently resubmits the application to the director, the time prescribed in division (A) of this section and, if applicable, division (B) of this section shall resume running at the time that the application is resubmitted. The resubmission of the application constitutes a request for the making of a completeness determination on the application. The director shall do one of the following within the time remaining pursuant to division (A) and, if

applicable, division (B) of this section at the time that the application is resubmitted:

(1) Make a completeness determination on the application and, in writing, notify the applicant of ~~his~~ the determination;

(2) Issue or deny or propose to issue or deny the permit ~~or~~, modification, or renewal.

(D) The director shall include in each written notice of the completeness of an application provided under division (A), (B), or (C)(1) of this section the date on which the application was determined to be complete.

(E) The director shall issue or deny or propose to issue or deny ~~a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code, modification of such a permit, or~~ an initial permit to operate, or a modification or renewal of such a permit, pursuant to rules adopted under division (G) of section 3704.03 of the Revised Code within one hundred eighty days after the date that the application for the permit ~~or~~, modification, or renewal was determined to be complete as that date is set forth in the written notice of the determination of the completeness of the application provided under division (A), (B), or (C)(1) of this section or within one hundred eighty days after the application is deemed to be complete under division (B) of this section, as appropriate. If the director fails to issue or deny or propose to issue or deny the permit ~~or~~, modification, or 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 conducting emissions inspections under a motor vehicle inspection and maintenance program.

(B) Notwithstanding division (D)(5) of section 3704.14 of the Revised Code, the director of administrative services or the director of environmental protection, as applicable, shall not renew any contract that is in existence on the effective date of this section. Further, the director of administrative services or the director of environmental protection, as applicable, shall not enter into a new contract upon the expiration or termination of any contract that is in existence on the effective date of this section.

(C) Notwithstanding section 3704.14 of the Revised Code or any other section of the Revised Code that requires emissions inspections to be conducted or proof of such inspections to be provided, upon the expiration or termination of all contracts that are in existence on the effective date of this section, the director of environmental protection shall terminate all motor vehicle inspection and maintenance programs in this state and shall not implement a new motor vehicle inspection and maintenance program unless this section is repealed and such a program is authorized by the general assembly.

Sec. 3721.10. As used in sections 3721.10 to 3721.18 of the Revised Code:

(A) "Home" means all of the following:

(1) A home as defined in section 3721.01 of the Revised Code;

(2) Any facility or part of a facility not defined as a home under section 3721.01 of the Revised Code that is certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 79 Stat. 620 286 (1935 1965), 42 U.S.C.A. ~~301~~ 1395 and 1396, as amended, or as a nursing facility as defined in section 5111.20 of the Revised Code;

(3) A county home or district home operated pursuant to Chapter 5155. of the Revised Code.

(B) "Resident" means a resident or a patient of a home.

(C) "Administrator" means all of the following:

(1) With respect to a home as defined in section 3721.01 of the Revised

Code, a nursing home administrator as defined in section 4751.01 of the Revised Code;

(2) With respect to a facility or part of a facility not defined as a home in section 3721.01 of the Revised Code that is authorized to provide skilled nursing facility or nursing facility services, the administrator of the facility or part of a facility;

(3) With respect to a county home or district home, the superintendent appointed under Chapter 5155. of the Revised Code.

(D) "Sponsor" means an adult relative, friend, or guardian of a resident who has an interest or responsibility in the resident's welfare.

(E) "Residents' rights advocate" means:

(1) An employee or representative of any state or local government entity that has a responsibility regarding residents and that has registered with the department of health under division (B) of section 3701.07 of the Revised Code;

(2) An employee or representative of any private nonprofit corporation or association that qualifies for tax-exempt status under section 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and that has registered with the department of health under division (B) of section 3701.07 of the Revised Code and whose purposes include educating and counseling residents, assisting residents in resolving problems and complaints concerning their care and treatment, and assisting them in securing adequate services to meet their needs;

(3) A member of the general assembly.

(F) "Physical restraint" means, but is not limited to, any article, device, or garment that interferes with the free movement of the resident and that ~~he~~ the resident is unable to remove easily, a geriatric chair, or a locked room door.

(G) "Chemical restraint" means any medication bearing the American hospital formulary service therapeutic class 4.00, 28:16:08, 28:24:08, or 28:24:92 that alters the functioning of the central nervous system in a manner that limits physical and cognitive functioning to the degree that the resident cannot attain ~~his~~ the resident's highest practicable physical, mental, and psychosocial well-being.

(H) "Ancillary service" means, but is not limited to, podiatry, dental, hearing, vision, physical therapy, occupational therapy, speech therapy, and psychological and social services.

y for the mentally retarded, as defined in section 5111.20 of the Revised Code.

(J) "Medicare" means the program established by Title XVIII of the "Social Security Act."

(K) "Medicaid" means the program established by Title XIX of the "Social Security Act" and Chapter 5111. of the Revised Code.

Sec. 3721.12. (A) The administrator of a home shall:

(1) With the advice of residents, their sponsors, or both, establish and review at least annually, written policies regarding the applicability and implementation of residents' rights under sections 3721.10 to 3721.17 of the Revised Code, the responsibilities of residents regarding the rights, and the home's grievance procedure established under division (A)(2) of this section. The administrator is responsible for the development of, and adherence to, procedures implementing the policies.

(2) Establish a grievance committee for review of complaints by residents. The grievance committee shall be comprised of the home's staff and residents, sponsors, or outside representatives in a ratio of not more than one staff member to every two residents, sponsors, or outside representatives.

(3) Furnish to each resident and sponsor prior to or at the time of admission, and to each member of the home's staff, at least one of each of the following:

(a) A copy of the rights established under sections 3721.10 to 3721.17 of the Revised Code;

(b) A written explanation of the provisions of ~~section~~ sections 3721.16 to 3721.162 of the Revised Code;

(c) A copy of the home's policies and procedures established under this section;

(d) A copy of the home's rules;

(e) A copy of the addresses and telephone numbers of the board of health of the health district of the county in which the home is located, the county department of job and family services of the county in which the home is located, the state departments of health and job and family services, the state and local offices of the department of aging, and any Ohio nursing home ombudsperson program.

(B) Written acknowledgment of the receipt of copies of the materials listed in this section shall be made part of the resident's record and the staff member's personnel record.

(C) The administrator shall post all of the following prominently within the home:

(1) A copy of the rights of residents as listed in division (A) of section 3721.13 of the Revised Code;

(2) A copy of the home's rules and its policies and procedures regarding the rights and responsibilities of residents;

(3) A notice that a copy of this chapter, rules of the department of health applicable to the home, and federal regulations adopted under ~~Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended~~ the medicare and medicaid programs, and the materials required to be available in the home under section 3721.021 of the Revised Code, are available for inspection in the home at reasonable hours;

(4) A list of residents' rights advocates;

(5) A notice that the following are available in a place readily accessible to residents:

(a) If the home is licensed under section 3721.02 of the Revised Code, a copy of the most recent licensure inspection report prepared for the home under that section;

(b) If the home is a ~~nursing facility as defined in section 5111.20 of the Revised Code~~, a copy of the most recent statement of deficiencies issued to the home under section 5111.42 of the Revised Code.

(D) The administrator of a home may, with the advice of residents, their sponsors, or both, establish written policies regarding the applicability and administration of any additional residents' rights beyond those set forth in sections 3721.10 to 3721.17 of the Revised Code, and the responsibilities of residents regarding the rights. Policies established under this division shall be reviewed, and procedures developed and adhered to as in division (A)(1) of this section.

Sec. 3721.13. (A) The rights of residents of a home shall include, but are not limited to, the following:

(1) The right to a safe and clean living environment pursuant to ~~Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ the medicare and medicaid programs and applicable state laws and regulations prescribed by the public health council;

(2) The right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality;

(3) Upon admission and thereafter, the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care consistent with the program for which the resident contracted. This care shall be provided without regard to considerations such as race, color, religion, national origin, age, or source of

payment for care.

(4) The right to have all reasonable requests and inquiries responded to promptly;

(5) The right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation;

(6) The right to obtain from the home, upon request, the name and any specialty of any physician or other person responsible for the resident's care or for the coordination of care;

(7) The right, upon request, to be assigned, within the capacity of the home to make the assignment, to the staff physician of the resident's choice, and the right, in accordance with the rules and written policies and procedures of the home, to select as the attending physician a physician who is not on the staff of the home. If the cost of a physician's services is to be met under a federally supported program, the physician shall meet the federal laws and regulations governing such services.

(8) The right to participate in decisions that affect the resident's life, including the right to communicate with the physician and employees of the home in planning the resident's treatment or care and to obtain from the attending physician complete and current information concerning medical condition, prognosis, and treatment plan, in terms the resident can reasonably be expected to understand; the right of access to all information in ~~his~~ the resident's medical record; and the right to give or withhold informed consent for treatment after the consequences of that choice have been carefully explained. When the attending physician finds that it is not medically advisable to give the information to the resident, the information shall be made available to the resident's sponsor on the resident's behalf, if the sponsor has a legal interest or is authorized by the resident to receive the information. The home is not liable for a violation of this division if the violation is found to be the result of an act or omission on the part of a physician selected by the resident who is not otherwise affiliated with the home.

(9) The right to withhold payment for physician visitation if the physician did not visit the resident;

(10) The right to confidential treatment of personal and medical records, and the right to approve or refuse the release of these records to any individual outside the home, except in case of transfer to another home, hospital, or health care system, as required by law or rule, or as required by a third-party payment contract;

(11) The right to privacy during medical examination or treatment and in the care of personal or bodily needs;

(12) The right to refuse, without jeopardizing access to appropriate medical care, to serve as a medical research subject;

(13) The right to be free from physical or chemical restraints or prolonged isolation except to the minimum extent necessary to protect the resident from injury to ~~himself~~ self, others, or to property and except as authorized in writing by the attending physician for a specified and limited period of time and documented in the resident's medical record. Prior to authorizing the use of a physical or chemical restraint on any resident, the attending physician shall make a personal examination of the resident and an individualized determination of the need to use the restraint on that resident.

Physical or chemical restraints or isolation may be used in an emergency situation without authorization of the attending physician only to protect the resident from injury to ~~himself~~ self or others. Use of the physical or chemical restraints or isolation shall not be continued for more than twelve hours after the onset of the emergency without personal examination and authorization by the attending physician. The attending physician or a staff physician may authorize continued use of physical or chemical restraints for a period not to exceed thirty days, and at the end of this period and any subsequent period may extend the authorization for an additional period of not more than thirty days. The use of physical or chemical restraints shall not be continued without a personal examination of the resident and the written authorization of the attending physician stating the reasons for continuing the restraint.

If physical or chemical restraints are used under this division, the home shall ensure that the restrained resident receives a proper diet. In no event shall physical or chemical restraints or isolation be used for punishment, incentive, or convenience.

(14) The right to the pharmacist of the resident's choice and the right to receive pharmaceutical supplies and services at reasonable prices not exceeding applicable and normally accepted prices for comparably packaged pharmaceutical supplies and services within the community;

(15) The right to exercise all civil rights, unless the resident has been adjudicated incompetent pursuant to Chapter 2111. of the Revised Code and has not been restored to legal capacity, as well as the right to the cooperation of the home's administrator in making arrangements for the exercise of the right to vote;

(16) The right of access to opportunities that enable the resident, at ~~his~~ the resident's own expense or at the expense of a third-party payer, to achieve ~~his~~ the resident's fullest potential, including educational, vocational, social, recreational, and habilitation programs;

(17) The right to consume a reasonable amount of alcoholic beverages at ~~his~~ the resident's own expense, unless not medically advisable as documented in ~~his~~ the resident's medical record by the attending physician or unless contradictory to written admission policies;

(18) The right to use tobacco at ~~his~~ the resident's own expense under the home's safety rules and under applicable laws and rules of the state, unless not medically advisable as documented in ~~his~~ the resident's medical record by the attending physician or unless contradictory to written admission policies;

(19) The right to retire and rise in accordance with ~~his~~ the resident's reasonable requests, if ~~he~~ the resident does not disturb others or the posted meal schedules and upon the home's request remains in a supervised area, unless not medically advisable as documented by the attending physician;

(20) The right to observe religious obligations and participate in religious activities; the right to maintain individual and cultural identity; and the right to meet with and participate in activities of social and community groups at the resident's or the group's initiative;

(21) The right upon reasonable request to private and unrestricted communications with ~~his~~ the resident's family, social worker, and any other person, unless not medically advisable as documented in ~~his~~ the resident's medical record by the attending physician, except that communications with public officials or with ~~his~~ the resident's attorney or physician shall not be restricted. Private and unrestricted communications shall include, but are not limited to, the right to:

- (a) Receive, send, and mail sealed, unopened correspondence;
- (b) Reasonable access to a telephone for private communications;
- (c) Private visits at any reasonable hour.

(22) The right to assured privacy for visits by the spouse, or if both are residents of the same home, the right to share a room within the capacity of the home, unless not medically advisable as documented in ~~his~~ the resident's medical record by the attending physician;

(23) The right upon reasonable request to have room doors closed and to have them not opened without knocking, except in the case of an emergency or unless not medically advisable as documented in ~~his~~ the resident's medical record by the attending physician;

(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.

(28) The right of the resident to be allowed unrestricted access to ~~his~~ the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;

(29) The right to receive reasonable notice before ~~his~~ the resident's room or roommate is changed, including an explanation of the reason for either change.

(30) The right not to be transferred or discharged from the home ~~except for medical reasons, for his welfare or another resident's, for nonpayment of charges due the home, if the home's license is revoked under this chapter, if the home is being closed pursuant to sections 5111.35 to 5111.62 or section 5155.31 of the Revised Code, if he is a recipient of medical assistance under section 5111.01 of the Revised Code in a home whose participation in the medical assistance program is terminated or denied, or if he is a beneficiary under Title XVIII of the "Social Security Act" in a home whose certification under Title XVIII is terminated or denied~~ unless the transfer is necessary

because of one of the following:

(a) The welfare and needs of the resident cannot be met in the home.

(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.

(c) The safety of individuals in the home is endangered.

(d) The health of individuals in the home would otherwise be endangered.

(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case:

(i) The resident's application, or a substantially similar previous application, has been denied by the county department of job and family services.

(ii) If the resident appealed the denial pursuant to division (C) of section 5101.35 of the Revised Code, the director of job and family services has upheld the denial.

(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections 5111.35 to 5111.62, or section 5155.31 of the Revised Code, or the home otherwise ceases to operate.

(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied.

(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied.

(31) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated with the operation of the home, of the resident's choice, free from restraint, interference, coercion, discrimination, or reprisal. This right includes access to a residents' rights advocate, and the right to be a member of, to be active in, and to associate with persons who are active in organizations of relatives and friends of nursing home residents and other organizations engaged in assisting residents.

(32) The right to have any significant change in ~~his~~ the resident's health status reported to ~~his~~ the resident's sponsor. As soon as such a change is known to the home's staff, the home shall make a reasonable effort to notify the sponsor within twelve hours.

(B) A sponsor may act on a resident's behalf to assure that the home does not deny the residents' rights under sections 3721.10 to 3721.17 of the

Revised Code.

(C) Any attempted waiver of the rights listed in division (A) of this section is void.

Sec. 3721.15. (A) Authorization from a resident or a sponsor with a power of attorney for a home to manage the resident's financial affairs shall be in writing and shall be attested to by a witness who is not connected in any manner whatsoever with the home or its administrator. The home shall maintain accounts pursuant to division (A)(27) of section 3721.13 of the Revised Code. Upon the resident's transfer, discharge, or death, the account shall be closed and a final accounting made. All remaining funds shall be returned to the resident or resident's sponsor, except in the case of death, when all remaining funds shall be transferred or used in accordance with section 5111.112 of the Revised Code.

(B) A home that manages a resident's financial affairs shall deposit the resident's funds in excess of one hundred dollars, and may deposit the resident's funds that are one hundred dollars or less, in an interest-bearing account separate from any of the home's operating accounts. Interest earned on the resident's funds shall be credited to the resident's account. A resident's funds that are one hundred dollars or less and have not been deposited in an interest-bearing account may be deposited in a noninterest-bearing account or petty cash fund.

(C) Each resident whose financial affairs are managed by a 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;

(b) The resident has resided in the home less than thirty days;

(c) An emergency arises in which the safety of individuals in the home is endangered;

(d) An emergency arises in which the health of individuals in the home would otherwise be endangered;

(e) An emergency arises in which the resident's urgent medical needs necessitate a more immediate transfer or discharge.

~~In the case any of a resident the circumstances~~ described in division divisions (A)(1)(a) ~~or (b)~~ to (e) of this section, the notice shall be provided as many days in advance of the proposed transfer or discharge as is practicable.

(2) The notice required under division (A)(1) of this section shall include all of the following:

(a) The reasons for the proposed transfer or discharge;

(b) The proposed date the resident is to be transferred or discharged;

(c) The proposed location to which the resident is to be transferred or discharged;

(d) Notice of the right of the resident and ~~his~~ the resident's sponsor to an impartial hearing at the home on the proposed transfer or discharge, and of the manner in which and the time within which the resident or ~~his~~ sponsor may request a hearing ~~under division (C) of this~~ pursuant to section 3721.161 of the Revised Code;

(e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date;

~~(e)(f)~~ (f) The address of the legal services office of the department of health;

~~(d)(g)~~ (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.

(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.

(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.

~~(C)(D)~~ (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:

(1) The home's license has been revoked under this chapter;

(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;

(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;

(4) The resident is a beneficiary under ~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended~~ the medicare program and the home's certification under ~~Title XVIII~~ the medicare program has been involuntarily terminated or denied by the federal government.

~~A request for a hearing under this section shall be sent in writing to the legal services office of the department of health not later than ten days after the resident and his sponsor receive notice of the proposed transfer or discharge. A hearing shall be held within ten days by the department of health. A representative of the department shall preside over the hearing and issue a recommendation within five days as to any advisable action to the administrator, the resident, and any interested sponsor.~~

(E) If a resident is transferred or discharged pursuant to this section, the home from which the resident is being transferred or discharged shall provide the resident with adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, and the home or alternative setting to which the resident is to be transferred or discharged shall have accepted the resident for transfer or discharge.

~~(D) An impartial hearing on resident transfer or discharge is not subject to section 121.22 of the Revised Code.~~

~~(E)(F) At the time of a transfer or discharge of a resident who is a recipient of medical assistance under section 5111.01 of the Revised Code~~

medicaid from a home to a hospital or for therapeutic leave, the home shall provide notice in writing to the resident and in writing by certified mail, return receipt requested, to the resident's sponsor, specifying the number of days, if any, during which the resident will be permitted under the ~~medical assistance~~ medicaid program to return and resume residence in the home and specifying the ~~medical assistance~~ medicaid program's coverage of the days during which the resident is absent from the home. An individual who is absent from a home for more than the number of days specified in the notice and continues to require the services provided by the facility shall be given priority for the first available bed in a semi-private room.

Sec. 3721.161. (A) Not later than thirty days after the date a resident or the resident's sponsor receives notice of a proposed transfer or discharge, whichever is later, the resident or resident's sponsor may challenge the proposed transfer or discharge by submitting a written request for a hearing to the state department of health. On receiving the request, the department shall conduct a hearing in accordance with section 3721.162 of the Revised Code to determine whether the proposed transfer or discharge complies with division (A)(30) of section 3721.13 of the Revised Code.

(B) Except in the circumstances described in divisions (A)(1)(a) to (e) of section 3721.16 of the Revised Code, if a resident or resident's sponsor submits a written hearing request not later than ten days after the resident or the resident's sponsor received notice of the proposed transfer or discharge, whichever is later, the home shall not transfer or discharge the resident unless the department determines after the hearing that the transfer or discharge complies with division (A)(30) of section 3721.13 of the Revised Code or the department's determination to the contrary is reversed on appeal.

(C) If a resident or resident's sponsor does not request a hearing pursuant to division (A) of this section, the home may transfer or discharge the resident on the date specified in the notice required by division (A) of section 3721.16 of the Revised Code or thereafter, unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date.

(D) If the resident or resident's sponsor requests a hearing in writing pursuant to division (A) of this section and the home transfers or discharges the resident before the department issues a hearing decision, the home shall readmit the resident in the first available bed if the department determines after the hearing that the transfer or discharge does not comply with division (A)(30) of section 3721.13 of the Revised Code or the department's determination to the contrary is reversed on appeal.

Sec. 3721.162. (A) On receiving a request pursuant to section 3721.161 of the Revised Code, the department of health shall conduct hearings under this section in accordance with 42 C.F.R. 431, subpart E, to determine whether the proposed transfer or discharge complies with division (A)(30) of section 3721.13 of the Revised Code.

(B) The department shall employ or contract with an attorney to serve as hearing officer. The hearing officer shall conduct a hearing in the home not later than ten days after the date the department receives a request pursuant to section 3721.161 of the Revised Code, unless the resident and the home or, if the resident is not competent to make a decision, the resident's sponsor and the home, agree otherwise. The hearing shall be recorded on audiotape, but neither the recording nor a transcript of the recording shall be part of the official record of the hearing. A hearing conducted under this section is not subject to section 121.22 of the Revised Code.

(C) Unless the parties otherwise agree, the hearing officer shall issue a decision within five days of the date the hearing concludes. In all cases, a decision shall be issued not later than thirty days after the department receives a request pursuant to section 3721.161 of the Revised Code. The hearing officer's decision shall be served on the resident or resident's sponsor and the home by certified mail. The hearing officer's decision shall be considered the final decision of the department.

(D) A resident, resident's sponsor, or home may appeal the decision of the department 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 for all of the following:

(1) The resident, resident's sponsor, or home shall file the appeal in the court of common pleas of the county in which the home is located.

(2) The resident or resident's sponsor may apply to the court for designation as an indigent and, if the court grants the application, the resident or resident's sponsor shall not be required to furnish the costs of the appeal.

(3) The appeal shall be filed with the department and the court within thirty days after the hearing officer's decision is served. The appealing party shall serve the opposing party a copy of the notice of appeal by hand-delivery or certified mail, return receipt requested. If the home is the appealing party, it shall provide a copy of the notice of appeal to both the resident and the resident's sponsor or attorney, if known.

(4) The department shall not file a transcript of the hearing with the court unless the court orders it to do so. The court shall issue such an order only if it finds that the parties are unable to stipulate to the facts of the case

and that the transcript is essential to the determination of the appeal. If the court orders the department to file the transcript, the department shall do so not later than thirty days after the day the court issues the order.

(E) The court shall not require an appellant to pay a bond as a condition of issuing a stay pending its decision.

(F) The resident, resident's sponsor, home, or department may commence a civil action in the court of common pleas of the county in which the home is located to enforce the decision of the department or the court. If the court finds that the resident or home has not complied with the decision, it shall enjoin the violation and order other appropriate relief, including attorney's fees.

Sec. 3721.17. (A) Any resident who believes that the resident's rights under sections 3721.10 to 3721.17 of the Revised Code have been violated may file a grievance under procedures adopted pursuant to division (A)(2) of section 3721.12 of the Revised Code.

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.

(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.

(C)(1) Within thirty days of receiving a complaint under this section, the department of health shall investigate any complaint referred to it by a home's grievance committee and any complaint from any source that alleges that the home provided substantially less than adequate care or treatment, or substantially unsafe conditions, or, within seven days of receiving a complaint, refer it to the attorney general, if the attorney general agrees to investigate within thirty days.

(2) Within thirty days of receiving a complaint under this section, the department of health may investigate any alleged violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant to those sections, not covered by division (C)(1) of this section, or it may, within seven days of receiving a complaint, refer the complaint to the grievance committee at the home where the alleged violation occurred, or to the attorney general if the attorney general agrees to investigate within thirty days.

(D) If, after an investigation, the department of health finds probable cause to believe that a violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant to those sections, has occurred at a home that is certified under ~~Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended~~ the medicare or medicaid program, it shall cite one or more findings or deficiencies under sections 5111.35 to 5111.62 of the Revised Code. If the home is not so certified, the department shall hold an adjudicative hearing within thirty days under Chapter 119. of the Revised Code.

(E) Upon a finding at an adjudicative hearing under division (D) of this section that a violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant thereto, has occurred, the department of health shall make an order for compliance, set a reasonable time for compliance, and assess a fine pursuant to division (F) of this section. The fine shall be paid to the general revenue fund only if compliance with the order is not shown to have been made within the reasonable time set in the order. The department of health may issue an order prohibiting the continuation of any violation of sections 3721.10 to 3721.17 of the Revised Code.

Findings at the hearings conducted under this section may be appealed pursuant to Chapter 119. of the Revised Code, except that an appeal may be made to the court of common pleas of the county in which the home is located.

The department of health shall initiate proceedings in court to collect any fine assessed under this section which is unpaid thirty days after the violator's final appeal is exhausted.

(F) Any home found, pursuant to an adjudication hearing under division (D) of this section, to have violated sections 3721.10 to 3721.17 of the Revised Code, or rules, policies, or procedures adopted pursuant to those sections may be fined not less than one hundred nor more than five hundred dollars for a first offense. For each subsequent offense, the home may be fined not less than 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 violation of sections 3721.10 to 3721.17 of the Revised Code.

If, under the procedures outlined in this section, a home or its employee is found to have retaliated, the violator may be fined up to one thousand dollars.

(H) When legal action is indicated, any evidence of criminal activity found in an investigation under division (C) of this section shall be given to the prosecuting attorney in the county in which the home is located for investigation.

(I)(1) Any resident whose rights under sections 3721.10 to 3721.17 of the Revised Code are violated has a cause of action against any person or home committing the violation. The action may be commenced by the resident or by the resident's sponsor on behalf of the resident.

(2)(a) If compensatory damages are awarded for a violation of the resident's rights, section 2315.21 of the Revised Code, except divisions (E)(1) and (2) of that section, shall apply to an award of punitive or exemplary damages for the violation.

(b) The court may award to the prevailing party reasonable attorney's fees limited to the work reasonably performed.

(3) Division (I)(2)(a) of this section shall be considered to be purely remedial in operation and shall be applied in a remedial manner in any civil action in which this section is relevant, whether the action is pending in court or commenced on or after ~~the effective date of this amendment~~ July 9, 1998.

Sec. 3721.51. The department of job and family services shall:

(A) For the ~~purpose of providing home and community-based services to elderly and disabled persons~~ purposes specified in section 3721.56 of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to three dollars and thirty cents for fiscal years 2002 and 2003, and one dollar for each fiscal year thereafter, multiplied by the product of the following:

(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, on July 1, 1993, and, for each

subsequent year, the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in fiscal year 1994 and, for each subsequent year, the number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

(B) For the ~~purpose of providing home and community-based services to elderly and disabled persons~~ purposes specified in section 3721.56 of the Revised Code, determine an annual franchise permit fee on each hospital in an amount equal to three dollars and thirty cents for fiscal years 2002 and 2003, and one dollar for each fiscal year thereafter, multiplied by the product of the following:

(1) The number of beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds, plus any other beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code, on July 1, 1993, and, for each subsequent year, the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in fiscal year 1994 and, for each subsequent year, the number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

If the United States health care financing administration determines that the franchise permit fee established by sections 3721.50 through 3721.58 of the Revised Code would be an impermissible health care related tax under section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as amended, the department of job and family services shall take all necessary actions to cease implementation of those sections in accordance with rules adopted under section 3721.58 of the Revised Code.

Sec. 3721.56. ~~At~~ (A) Thirty and three-tenths per cent of all payments and penalties paid by nursing homes and hospitals under sections 3721.53 and 3721.54 of the Revised Code for fiscal years 2002 and 2003, and all such payments and penalties paid for subsequent fiscal years, shall be deposited into the "home and community-based services for the aged fund," which is hereby created in the state treasury. The departments of job and family services and aging shall use the moneys in the fund to fund the following in accordance with rules adopted under section 3721.58 of the Revised Code:

~~(A)(1)~~ (1) The medical assistance program established under Chapter 511. of the Revised Code;

~~(B)(2)~~ The PASSPORT program established under section 173.40 of the Revised Code;

~~(C)(3)~~ The residential state supplement program established under section 173.35 of the Revised Code.

(B) Sixty-nine and seven-tenths per cent of all payments and penalties paid by nursing homes and hospitals under sections 3721.53 and 3721.54 of the Revised Code for fiscal years 2002 and 2003 shall be deposited into the nursing facility stabilization fund, which is hereby created in the state treasury. The department of job and family services shall use the money in the fund in the manner provided by Am. Sub. H.B. 94 of the 124th general assembly.

Sec. 3722.01. (A) As used in this chapter:

(1) "Owner" means the person who owns the business of and who ultimately controls the operation of an adult care facility and to whom the manager, if different from the owner, is responsible.

(2) "Manager" means the person responsible for the daily operation of an adult care facility. The manager and the owner of a facility may be the same person.

(3) "Adult" means an individual eighteen years of age or older.

(4) "Unrelated" means that an adult resident is not related to the owner or manager of an adult care facility or to the owner's or manager's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.

(5) "Skilled nursing care" means skilled nursing care as defined in section 3721.01 of the Revised Code.

(6)(a) "Personal care services" means services including, but not limited to, the following:

(i) Assisting residents with activities of daily living;

(ii) Assisting residents with self-administration of medication, in accordance with rules adopted by the public health council pursuant to this chapter;

(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted by the public health council pursuant to this chapter.

(b) "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)(6)(a) of this section to be considered to be providing personal care services.

(7) "Adult family home" means a residence or facility that provides

accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults.

(8) "Adult group home" means a residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

(9) "Adult care facility" means an adult family home or an adult group home. For the purposes of this chapter, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services, is an adult care facility regardless of how the facility holds itself out to the public. "Adult care facility" does not include:

(a) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;

(b) A nursing home, residential care facility, or home for the aging as defined in section 3721.01 of the Revised Code;

(c) A community alternative home as defined in section 3724.01 of the Revised Code;

(d) An alcohol and drug addiction program as defined in section 3793.01 of the Revised Code;

(e) A habilitation center as defined in section 5123.041 of the Revised Code;

(f) A residential facility for the mentally ill licensed by the department of mental health under section 5119.22 of the Revised Code;

(g) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;

(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;

(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;

(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;

(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;

(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;

(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 skilled nursing care shall be considered to be provided by a facility if they are provided by a person employed by or associated with the facility or by another person pursuant to an agreement to which neither the resident who receives the services nor the resident's sponsor is a party.

(C) Nothing in division (A)(6) of this section shall be construed to permit personal care services to be imposed upon a resident who is capable of performing the activity in question without assistance.

Sec. 3722.15. (A) The following may enter an adult care facility at any time:

- (1) Employees designated by the director of health;
- (2) Employees designated by the director of aging;
- (3) Employees designated by the attorney general;
- (4) Employees designated by a county department of job and family services to implement sections 5101.60 to 5101.71 of the Revised Code;
- (5) Persons employed pursuant to division (M) of section 173.01 of the Revised Code in the long-term care facilities ombudsperson program;
- (6) Employees of the department of mental health designated by the director of mental health;
- (7) Employees of a mental health agency, if the agency has a client residing in the facility;
- (8) Employees of a board of alcohol, drug addiction, and mental health services, when authorized by section 340.05 of the Revised Code or if an individual receiving mental health services provided by the board pursuant to division (A)(~~6~~)(8)(b) of section 340.03 of the Revised Code or a mental health agency under contract with the board resides in the facility.

These employees shall be afforded access to all records of the facility, including records pertaining to residents, and may copy the records. Neither these employees nor the director of health shall release, without consent, any information obtained from the records of an adult care facility that reasonably would tend to identify a specific resident of the facility, except as ordered by a court of competent jurisdiction.

(B) The following persons may enter any adult care facility during reasonable hours:

- (1) A resident's sponsor;
- (2) Residents' rights advocates;
- (3) A resident's attorney;
- (4) A minister, priest, rabbi, or other person ministering to a resident's religious needs;
- (5) A physician or other person providing health care services to a resident;
- (6) Employees authorized by county departments of job and family services and local boards of health or health departments to enter adult care facilities;
- (7) A prospective resident and prospective resident's sponsor.

(C) The manager of an adult care facility may require a person seeking to enter the facility to present identification sufficient to identify the person as an authorized person under this section.

Sec. 3722.16. (A) No person shall:

(1) Operate an adult care facility unless the facility is validly licensed by the director of health under section 3722.04 of the Revised Code;

(2) Admit to an adult care facility more residents than the number authorized in the facility's license;

(3) Admit a resident to an adult care facility after the director has issued an order pursuant to section 3722.07 of the Revised Code suspending admissions to the facility. Violation of division (A)(3) of this section is cause for revocation of the facility's license.

(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section 3722.02 or 3722.04 of the Revised Code;

(5) Violate any of the provisions of this chapter or any of the rules adopted pursuant to it.

(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the following are the case:

(1) The care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period by one or more of the following:

(a) A home health agency certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(b) A hospice care program licensed under Chapter 3712. of the Revised Code;

(c) A nursing home licensed under Chapter 3721. of the Revised Code and owned and operated by the same person and located on the same site as the adult care facility;

(d) A mental health agency or, pursuant to division (A)~~(6)~~(8)(b) of section 340.03 of the Revised Code, a board of alcohol, drug addiction, and mental health services.

(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;

(3) The individual to whom the skilled nursing care is provided is suffering from a short-term illness;

(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:

(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;

(b) The adult care facility meets at all times staffing requirements established by rules adopted under section 3722.10 of the Revised Code;

(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;

(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;

(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;

(f) The skilled nursing care is provided in accordance with rules established for nursing homes under section 3721.04 of the Revised Code;

(g) The nursing home meets the skilled nursing care needs of the adult care facility residents;

(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.

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.

(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:

(1) The adult care facility shall evaluate the individual receiving the skilled nursing care not less than once every seven days to determine whether the individual should be transferred to a nursing home;

(2) If the costs of providing the skilled nursing care are included in a cost report filed pursuant to section 5111.26 of the Revised Code by the nursing home that is part of the same home for the aged, the home health

agency or hospice care program shall not seek reimbursement for the care under the medical assistance program established under Chapter 5111. of the Revised Code.

(D)(1) No person knowingly shall place or recommend placement of any person in an adult care facility that is operating without a license.

(2) No employee of a unit of local or state government, board of alcohol, drug addiction, and mental health services, mental health agency, or PASSPORT administrative agency shall place or recommend placement of any person in an adult care facility if the employee knows that the facility cannot meet the needs of the potential resident.

(3) No person who has reason to believe that an adult care facility is operating without a license shall fail to report this information to the director of health.

(E) In accordance with Chapter 119. of the Revised Code, the public health council shall adopt rules that define a short-term illness for purposes of division (B)(3) of this section and specify, consistent with rules pertaining to home health care adopted by the director of job and family services under the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, what constitutes a part-time, intermittent basis for purposes of division (B)(1) of this section.

Sec. 3734.28. All moneys collected under sections 3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised Code and natural resource damages collected by the state under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, shall be paid into the state treasury to the credit of the hazardous waste clean-up fund, which is hereby created. The environmental protection agency shall use the moneys in the fund for the purposes set forth in division (D) of section 3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 3734.26, and 3734.27, and, through June 30, ~~2001~~ 2003, divisions (A)(1) and (2) of section 3745.12 and Chapter 3746. of the Revised Code and for, including any related enforcement expenses. In addition, the agency shall use the moneys in the fund to pay the state's long-term operation and maintenance costs or matching share for actions taken under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," as amended. If those moneys are reimbursed by grants or other moneys from the United States or any other person, the moneys shall be placed in the fund and not in the general revenue fund.

Sec. 3734.57. (A) For the purposes of paying the state's long-term

ation costs or matching share for actions taken under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended; paying the costs of measures for proper clean-up of sites where polychlorinated biphenyls and substances, equipment, and devices containing or contaminated with polychlorinated biphenyls have been stored or disposed of; paying the costs of conducting surveys or investigations of solid waste facilities or other locations where it is believed that significant quantities of hazardous waste were disposed of and for conducting enforcement actions arising from the findings of such surveys or investigations; paying the costs of acquiring and cleaning up, or providing financial assistance for cleaning up, any hazardous waste facility or solid waste facility containing significant quantities of hazardous waste, that constitutes an imminent and substantial threat to public health or safety or the environment; and, from July 1, ~~1999~~ 2001, through June 30, ~~2004~~ 2004, for the purposes of paying 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 any rules adopted under them, and paying a share of the administrative costs of the environmental protection agency pursuant to section 3745.014 of the Revised Code, the following fees are hereby levied on the disposal of solid wastes in this state:

(1) One dollar per ton on and after July 1, 1993;

(2) An additional seventy-five cents per ton on and after July 1, ~~1999~~ 2001, through June 30, ~~2004~~ 2004.

The owner or operator of a solid waste disposal facility shall collect the fees levied under this division as a trustee for the state and shall prepare and file with the director of environmental protection monthly returns indicating the total tonnage of solid wastes received for disposal at the gate of the facility and the total amount of the fees collected under this division. Not later than thirty days after the last day of the month to which such a return applies, the owner or operator shall mail to the director the return for that month together with the fees collected during that month as indicated on the return. The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are

not remitted within sixty days after the last day of the month during which they were collected, the owner or operator shall pay an additional fifty per cent of the amount of the fees for each month that they are late.

One-half of the moneys remitted to the director under division (A)(1) of this section shall be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code, and one-half shall be credited to the hazardous waste clean-up fund created in section 3734.28 of the Revised Code. The moneys remitted to the director under division (A)(2) of this section shall be credited to the solid waste fund, which is hereby created in the state treasury. The environmental protection agency shall use moneys in the solid waste fund only to pay the costs of administering and enforcing the laws pertaining to solid wastes, infectious wastes, and construction and demolition debris, including, without limitation, ground water evaluations related to solid wastes, infectious wastes, and construction and demolition debris, under this chapter and Chapter 3714. of the Revised Code and rules adopted under them and to pay a share of the administrative costs of the environmental protection agency pursuant to section 3745.014 of the Revised Code.

The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be added to any other fee or amount specified in a contract that is charged by the owner or operator of a solid waste disposal facility or to any other fee or amount that is specified in a contract entered into on or after March 4, 1992, and that is charged by a transporter of solid wastes.

(B) For the purpose of preparing, revising, and implementing the solid waste management plan of the county or joint solid waste management district, including, without limitation, the development and implementation of solid waste recycling or reduction programs; providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for the enforcement of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions; providing financial assistance to the county to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan; paying the costs incurred by boards of health for collecting and analyzing water samples from public or private wells on lands adjacent to solid waste facilities that are contained in the

roved or amended plan of the district; paying the costs of developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan; providing financial assistance to boards of health within the district for enforcing laws prohibiting open dumping; providing financial assistance to local law enforcement agencies within the district for enforcing laws and ordinances prohibiting littering; providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code for the training and certification required for their employees responsible for solid waste enforcement by rules adopted under division (L) of section 3734.02 of the Revised Code; providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district; and payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

If any such fees are levied prior to January 1, 1994, fees levied under division (B)(1) of this section always shall be equal to one-half of the fees levied under division (B)(2) of this section, and fees levied under division (B)(3) of this section, which shall be in addition to fees levied under division (B)(2) of this section, always shall be equal to fees levied under division (B)(1) of this section, except as otherwise provided in this division. The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any

amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. Although the fees under divisions (A)(1) and (2) of this section are levied on the basis of tons as the unit of measurement, the solid waste management plan of the district and any amendments to it or the solid waste management policy committee in its resolution levying fees under this division may direct that the fees levied under those divisions be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes if the fees under divisions (B)(1) to (3) of this section are being levied on the basis of cubic yards as the unit of measurement under the plan, amended plan, or resolution.

On and after January 1, 1994, the fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section, except as otherwise provided in this division and notwithstanding any schedule of those fees established in the solid waste management plan of a county or joint district approved under section 3734.55 of the Revised Code or a resolution adopted and ratified under this division that is in effect on that date. If the fee that a district is levying under division (B)(1) of this section on that date under its approved plan or such a resolution is less than one dollar per ton, the fee shall be one dollar per ton on and after January 1, 1994, and if the fee that a district is so levying under that division exceeds two dollars per ton, the fee shall be two dollars per ton on and after that date. If the fee that a district is so levying under division (B)(2) of this section is less than two dollars per ton, the fee shall be two dollars per ton on and after that date, and if the fee that the district is so levying under that division exceeds four dollars per ton, the fee shall be four dollars per ton on and after that date. On that date, the fee levied by a district under division (B)(3) of this section shall be equal to the fee levied under division (B)(1) of this section. Except as otherwise provided in this division, the fees established by the operation of this amendment shall remain in effect until the district's resolution levying fees under this division is amended or repealed in accordance with this division to amend or abolish the schedule of fees, the schedule of fees is amended or abolished in an amended plan of the district approved under section

3734.521 or division (A) or (D) of section 3734.56 of the Revised Code, or the schedule of fees is amended or abolished through an amendment to the district's plan under division (E) of section 3734.56 of the Revised Code; the notification of the amendment or abolishment of the fees has been given in accordance with this division; and collection of the amended fees so established commences, or collection of the fees ceases, in accordance with this division.

The solid waste management policy committee of a district levying fees under divisions (B)(1) to (3) of this section on October 29, 1993, under its solid waste management plan approved under section 3734.55 of the Revised Code or a resolution adopted and ratified under this division that are within the ranges of rates prescribed by this amendment, by adoption of a resolution not later than December 1, 1993, and without the necessity for ratification of the resolution under this division, may amend those fees within the prescribed ranges, provided that the estimated revenues from the amended fees will not substantially exceed the estimated revenues set forth in the district's budget for calendar year 1994. Not later than seven days after the adoption of such a resolution, 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 adoption of the resolution and of the amount of the amended fees. Collection of the amended fees shall take effect on the first day of the first month following the month in which the notification is sent to the owner or operator. The fees established in such a resolution shall remain in effect until the district's resolution levying fees that was adopted and ratified under this division is amended or repealed, and the amendment or repeal of the resolution is ratified, in accordance with this division, to amend or abolish the fees, the schedule of fees is amended or abolished in an amended plan of the district approved under section 3734.521 or division (A) or (D) of section 3734.56 of the Revised Code, or the schedule of fees is amended or abolished through an amendment to the district's plan under division (E) of section 3734.56 of the Revised Code; the notification of the amendment or abolishment of the fees has been given in accordance with this division; and collection of the amended fees so established commences, or collection of the fees ceases, in accordance with this division.

Prior to the approval of the solid waste management plan of the district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board

of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule, the committee shall deliver a copy of the resolution doing so to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district. Within sixty days after the delivery of a copy of the resolution adopting the proposed revised fees by the policy committee, each such board and legislative authority, by ordinance or resolution, shall approve or disapprove the revised fees and deliver a copy of the ordinance or resolution to the committee. If any such board or legislative authority fails to adopt and deliver to the policy committee an ordinance or resolution approving or disapproving the revised fees within sixty days after the policy committee delivered its resolution adopting the proposed revised fees, it shall be conclusively presumed that the board or legislative authority has approved the proposed revised fees.

In the case of a county district or a joint district formed by two or three counties, the committee shall declare the proposed revised fees to be ratified as the fee schedule of the district upon determining that the board of county commissioners of each county forming the district has approved the proposed revised fees and that the legislative authorities of a combination of municipal corporations and townships with a combined population within the district comprising at least sixty per cent of the total population of the district have approved the proposed revised fees, provided that in the case of a county district, that combination shall include the municipal corporation

having the largest population within the boundaries of the district, and provided further that in the case of a joint district formed by two or three counties, that combination shall include for each county forming the joint district the municipal corporation having the largest population within the boundaries of both the county in which the municipal corporation is located and the joint district. In the case of a joint district formed by four or more counties, the committee shall declare the proposed revised fees to be ratified as the fee schedule of the joint district upon determining that the boards of county commissioners of a majority of the counties forming the district have approved the proposed revised fees; that, in each of a majority of the counties forming the joint district, the proposed revised fees have been approved by the municipal corporation having the largest population within the county and the joint district; and that the legislative authorities of a combination of municipal corporations and townships with a combined population within the joint district comprising at least sixty per cent of the total population of the joint district have approved the proposed revised fees.

For the purposes of this division, only the population of the unincorporated area of a township shall be considered. For the purpose of determining the largest municipal corporation within each county under this division, a municipal corporation that is located in more than one solid waste management district, but that is under the jurisdiction of one county or joint solid waste management district in accordance with division (A) of section 3734.52 of the Revised Code shall be considered to be within the boundaries of the county in which a majority of the population of the municipal corporation resides.

The committee may amend the schedule of fees levied pursuant to a resolution or amended resolution adopted and ratified under this division by adopting a resolution establishing the proposed amount of the amended fees. The committee may abolish the fees levied pursuant to such a resolution or amended resolution by adopting a resolution proposing to repeal them. Upon adopting such a resolution, the committee shall proceed to obtain ratification of the resolution in accordance with this division.

Not later than fourteen days after declaring the fees or amended fees to be ratified under this division, 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 ratification and the amount of the fees. Collection of any fees or amended fees ratified 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.

Not later than fourteen days after declaring the repeal of the district's

schedule of fees to be ratified under this division, the committee shall notify by certified mail the owner or operator of each facility that is collecting the fees of the repeal. 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.

Not later than fourteen days after the director issues an order approving a district's solid waste management 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 establishes or amends a schedule of fees levied by the district, or the ratification of an amendment to the district's approved plan or amended plan under division (E) of section 3734.56 of the Revised Code that establishes or amends a schedule of fees, as 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 completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the issuance of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the abolishment of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall

commence on the first day of January immediately following the issuance of the notice. If such an initial or amended plan abolishes a schedule of fees, collection of the fees shall cease on that first day of January.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, less than forty-five days before the beginning of a calendar year, the director, on behalf of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change proceedings, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the mailing of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the abolishment of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of the second month following the month in which notification is sent to the owner or operator. If such an initial or amended plan abolishes a schedule of 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.

In the case of a change in district composition, the schedule of fees that the former districts that existed prior to the change were 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 a former district approved under section 3734.521 or 3734.55 of the Revised Code, an amended plan approved under section 3734.521 or division (A) or (D) of section 3734.56 of the Revised Code, or an amendment to a former district's approved plan or amended plan under division (E) of section 3734.56 of the Revised Code, and that were in effect on the date that the director completed the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code shall continue to be collected until the collection of the fees or amended fees of the districts resulting from the change is required to commence, or if an initial or amended plan of a resulting district abolishes a schedule of fees, collection of the fees is required to cease, under this division. Moneys so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section

343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or abolished is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the 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 of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a

landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the clerk of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or such other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the clerk of the township under that division shall be paid into the general fund of the township. The treasurer or such other officer of the municipal corporation or the clerk, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573

of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation

of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid waste management policy committee by resolution.

Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for collecting and forwarding the fees levied under divisions (B) and (C) of this section to the boards of county commissioners or directors of county or joint solid waste management districts and to the treasurers or other officers of municipal corporations or to the clerks of townships. The rules also shall prescribe the

dates for forwarding the fees to the boards and officials and may prescribe any other requirements the director considers necessary or appropriate to implement and administer divisions (A), (B), and (C) of this section. Collection of the fees levied under division (A)(1) of this section shall commence on July 1, 1993. Collection of the fees levied under division (A)(2) of this section shall commence on January 1, 1994.

Sec. 3734.82. (A) The annual fee for a scrap tire recovery facility license issued under section 3734.81 of the Revised Code shall be in accordance with the following schedule:

Daily Design Input Capacity (Tons)	Annual License Fee
1 or less	\$ 100
2 to 25	500
26 to 50	1,000
51 to 100	1,500
101 to 200	2,500
201 to 500	3,500
501 or more	5,500

For the purpose of determining the applicable license fee under this division, the daily design input capacity shall be the quantity of scrap tires the facility is designed to process daily as set forth in the registration certificate or permit for the facility, and any modifications to the permit, if applicable, issued under section 3734.78 of the Revised Code.

(B) The annual fee for a scrap tire monocell or monofill facility license shall be in accordance with the following schedule:

Authorized Maximum Daily Waste Receipt (Tons)	Annual License Fee
100 or less	\$ 5,000
101 to 200	12,500
201 to 500	30,000
501 or more	60,000

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.

(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

housand 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.

(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.

(D)(1) Except as otherwise provided in division (D)(2) of this section, the annual fee for a scrap tire collection facility license is two hundred dollars.

(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.

(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.

(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.

(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 management fund, which is hereby created in the state treasury. The fund shall consist of all federal moneys received by the environmental protection agency for the scrap tire management program; all grants, gifts, and contributions made to the director for that program; and all other moneys that may be provided by law for that program. The director shall use moneys in the fund as follows:

(1) Expend not more than seven hundred fifty thousand dollars during each fiscal year to implement, administer, and enforce the scrap tire provisions of this chapter and rules adopted under them;

~~(2) For fiscal years 1998 and 1999, grant not more than one hundred fifty thousand dollars during each fiscal year to the polymer institute at the university of Akron for the purpose of expediting research concerning and evaluation of alternative methods of recycling scrap tires. The institute shall report to the director annually concerning research programs under review, and the results of scrap tire recycling experiments conducted, by or in conjunction with the institute. The university shall report to the director biennially concerning the expenditures of moneys received by the institute under division (G)(2) of this section.~~

~~(3) During each fiscal year, request the director of budget and management to, and the director of budget and management shall, transfer one million dollars to the scrap tire loans and grants grant fund created in section ~~466.032~~ 1502.12 of the Revised Code for the purposes specified in that section;~~

~~(4) Annually transfer to the central support indirect fund created in section 3745.014 of the Revised Code an amount equal to not more than twelve per cent of each fiscal year's appropriation to the scrap tire management fund.~~

~~(H)(1) If, during a fiscal year, more than three million five hundred thousand dollars are credited to the scrap tire management fund, the director, at the conclusion of the fiscal year, shall request the director of budget and management to, and the director of budget and management shall, transfer to the scrap tire loans and grants fund one half of the moneys credited to the scrap tire management fund in excess of that amount.~~

~~(2) In each fiscal year, if more than three million five hundred thousand dollars are credited to the scrap tire management fund during the preceding fiscal year, the director shall expend during the current fiscal year one half of that excess amount to conduct removal operations under section 3734.85 of the Revised Code.~~

(3) Expend not more than three million dollars per year during fiscal years 2002 and 2003 to conduct removal actions under section 3734.85 of the Revised Code and to make grants to boards of health under section 3734.042 of the Revised Code. However, more than three million dollars may be expended in fiscal years 2002 and 2003 for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. During each subsequent fiscal year the director shall expend not more than four million

five hundred thousand dollars to conduct removal actions under section 3734.85 of the Revised Code and to make grants to boards of health under section 3734.042 of the Revised Code. However, more than four million five hundred thousand dollars may be expended in a fiscal year for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. The director shall request the approval of the controlling board prior to the use of the moneys to conduct removal actions under section 3734.85 of the Revised Code. The request shall be accompanied by a plan describing the removal actions to be conducted during the fiscal year and an estimate of the costs of conducting them. The controlling board shall approve the plan only if it finds that the proposed removal actions are in accordance with the priorities set forth in division (B) of section 3734.85 of the Revised Code and that the costs of conducting them are reasonable. Controlling board approval is not required for grants made to boards of health under section 3734.042 of the Revised Code.

(H) If, during a fiscal year, more than seven million 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 one-half of those excess moneys to the scrap tire grant fund. The director shall expend the remaining excess moneys in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code in accordance with the procedures established under division (I) of this section.

(I) After the actions in divisions (G)(1) to ~~(4)~~(3) and (H) of this section are completed during each prior fiscal year, the director may expend up to the balance remaining from prior fiscal years in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code. Prior to using any moneys in the fund for that purpose in a fiscal year, the director shall request the approval of the controlling board for that use of the moneys. The request shall be accompanied by a plan describing the removal actions to be conducted during the fiscal year and an estimate of the costs of conducting them. The controlling board shall approve the plan only if the board finds that the proposed removal actions are in accordance with the priorities set forth in division (B) of section 3734.85 of the Revised Code and that the costs of conducting them are reasonable.

Sec. 3734.821. 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 commissioner a return as prescribed by the tax commissioner and shall make payment of the full amount of the fee due for the preceding month after deduction of any discount provided for under division (E) of this section. The return shall be signed by the person required to file it, or an authorized employee, officer, or agent. ~~The treasurer shall mark on the return the date it was received and indicate payment or nonpayment of the fee shown to be due on the return. The treasurer immediately shall transmit all returns to the tax commissioner.~~ The return shall be deemed filed when received by the ~~treasurer of state~~ tax commissioner.

(B) Any person required by this section to file a return who fails to file such a return within the period prescribed may be required to pay an additional charge of fifty dollars or ten per cent of the fee required to be paid for the reporting period, whichever is greater. The commissioner may collect the additional charge by assessment pursuant to section 3734.907 of the Revised Code. The commissioner may remit all or a portion of the additional charge and may adopt rules relating thereto.

(C) If any fee due is not paid timely in accordance with this section, the

person liable for the fee shall pay interest, calculated at the rate per annum as prescribed by section 5703.47 of the Revised Code, from the date the fee payment was due to the date of payment or to the date an assessment is issued, whichever occurs first. Interest shall be paid in the same manner as the fee, and the commissioner may collect the interest by assessment pursuant to section 3734.907 of the Revised Code.

(D) If, in the estimation of the tax commissioner, the average liability of the person liable for the fee is such as not to merit monthly filing, the commissioner may authorize the person to file and pay at less frequent intervals. Returns are due by the twentieth day of the month following the close of the applicable reporting period authorized under this division.

(E) If a return is filed and the amount of the fee shown to be due on the return is paid on or before the date that the return is required to be filed under division (A) of this section or pursuant to division (D) of this section, whichever is applicable, the person liable for the fee is entitled to a discount of four per cent of the amount shown to be due on the return.

(F) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the fee imposed by section 3734.901 of the Revised Code.

Sec. 3735.27. (A) Whenever the director of development has determined that there is need for a housing authority in any portion of any county that comprises two or more political subdivisions or portions thereof but is less than all the territory within the county, a metropolitan housing authority shall be declared to exist and the territorial limits thereof shall be defined by a letter from the director. The director shall issue a determination from the department of development declaring that there is need for a housing authority within such territorial limits ~~if he finds~~ after finding either:

(1) Unsanitary or unsafe inhabited housing accommodations exist in such area;

(2) There is a shortage of safe and sanitary housing accommodations in such area available to persons who lack the amount of income which is necessary, as determined by the director, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings without congestion.

In determining whether dwelling accommodations are unsafe or unsanitary the director may take into consideration the degree of congestion, the percentage of land coverage, the light, air, space, and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

The territorial limits of a housing authority, defined by the director, shall be fixed for such authority upon proof of a letter from the director declaring the need for such authority to function in those territorial limits. Any such letter from the director, any certificate of determination issued by the director, and any certificate of appointment of members of the authority shall be admissible in evidence in any suit, action, or proceeding.

A certified copy of the letter from the director, declaring the existence and boundaries of a housing authority district, shall be immediately forwarded to each appointing authority. A housing authority shall consist of five members, who shall be residents of the territory embraced in such metropolitan housing authority district.

(B) Except as otherwise provided in division (C) of this section, one member shall be appointed by the probate court, one member by the court of common pleas, one member by the board of county commissioners, and two members by the chief executive officer of the most populous city in the territory included in the district, in accordance with the last preceding federal census. At the time of the initial appointment of the authority, the member appointed by the probate court shall be appointed for a period of four years, the appointee of the court of common pleas for three years, the appointee of the board of county commissioners for two years, one appointee of the chief executive officer for one year and one appointee of the chief executive officer for five years. Thereafter, all members of the authority shall be appointed for five-year terms and vacancies due to expired terms shall be filled by the same appointing powers.

(C) For any metropolitan housing authority district that ~~contains~~ contained, as of the 1990 federal census, a population of at least one million, two members of the authority shall be appointed by the municipal legislative authority of the most populous city in the territory included in the district, two members by the chief executive officer of the most populous city in the territory included in the district, and one member by the chief executive officer, with the approval of the municipal legislative authority, of the city in the district which has the second highest number of housing units owned or managed by the authority.

At the time of the initial appointment of the authority, one member appointed by the municipal legislative authority of the most populous city in the territory included in the district shall be appointed for three years, and one for one year; the appointee of the chief executive officer of the city with the second highest number of housing units owned or managed by the authority shall be appointed, with the approval of the municipal legislative authority, for three years; one appointee of the chief executive officer of the

most populous city in the district shall be appointed for three years, and one for one year. Thereafter, all members of the authority shall be appointed for three-year terms, and any vacancy shall be filled by the same appointing power that made the initial appointment. At the expiration of the term of any member appointed by the chief executive officer of the most populous city in the territory included in the district prior to March 15, 1983, the chief executive officer of the most populous city in the district shall fill the vacancy by appointment for a three-year term. At the expiration of the term of any member appointed by the board of county commissioners prior to March 15, 1983, the chief executive officer of the city in the district with the second highest number of housing units owned or managed by the authority shall, with the approval of the municipal legislative authority, fill the vacancy by appointment for a three-year term. At the expiration of the term of any member appointed prior to March 15, 1983 by the court of common pleas or the probate court, the legislative authority of the most populous city in the territory included in the district shall fill the vacancy by appointment for a three-year term.

After March 15, 1983, at least one of the members appointed by the chief executive officer of the most populous city shall be a resident of a dwelling unit owned or managed by the housing authority. At least one of the initial appointments by the chief executive officer of the most populous city, after March 15, 1983, shall be a resident of a dwelling unit owned or managed by the housing authority. Thereafter, any member appointed by the chief executive officer for the term established by this initial appointment, or for any succeeding term thereof, shall be a person who resides in a dwelling unit owned or managed by the housing authority. If there is an elected, representative body of all residents of the housing authority, then the chief executive officer shall, whenever there is a vacancy in this resident term, provide written notice of the vacancy to the representative body. If the representative body submits to the chief executive officer, in writing and within sixty days after the date on which it was notified of the vacancy, the names of at least five residents of the housing authority who are willing and qualified to serve as a member, then the chief executive officer shall appoint to the resident term one of the residents recommended by the representative body. At no time shall residents constitute a majority of the members of the authority.

(D) Public officials, other than the officers having the appointing power under this section, shall be eligible to serve as members, officers, or employees of the housing authority notwithstanding any statute, charter, or law to the contrary. Not more than two such public officials shall be

members of the authority at any one time.

All members of such housing authority shall serve without compensation but shall be entitled to be reimbursed for all necessary expenses incurred. After such district has been formed, the director may enlarge the territory within such district to include other political subdivisions, or portions thereof, but the territorial limits of which shall be less than that of the county.

Sec. 3745.014. There is hereby created in the state treasury the central support indirect fund, which shall be administered by the director of environmental protection. Money credited to the fund shall be used for administrative costs of the environmental protection agency ~~that are related to expenditures by the agency from funds of the general services fund group and the state special revenue fund group~~. The director may assess any operating funds of from which the agency within the general services fund group or the state special revenue fund group receives appropriations, except the central support indirect fund, for a share of the administrative costs of the agency. ~~The assessments shall be paid from the general services funds and state special revenue funds designated by the director and~~ amounts assessed shall be transferred to the central support indirect fund by means of intrastate transfer vouchers. The director, with the approval of the director of budget and management, shall determine the rate of assessments, ~~which shall not exceed twelve per cent of the total fiscal year appropriation from any such fund for the fiscal year unless the controlling board approves a request from the director for a higher rate.~~

Sec. 3745.04. As used in this section, "any person" means any individual, any partnership, corporation, association, or other legal entity, or any political subdivision, instrumentality, or agency of a state, whether or not the individual or legal entity is an applicant for or holder of a license, permit, or variance from the environmental protection agency, and includes any department, agency, or instrumentality of the federal government that is an applicant for or holder of a license, permit, or variance from the environmental protection agency.

As used in this section, "action" or "act" includes the adoption, modification, or repeal of a rule or standard, the issuance, modification, or revocation of any lawful order other than an emergency order, and the issuance, denial, modification, or revocation of a license, permit, lease, variance, or certificate, or the approval or disapproval of plans and specifications pursuant to law or rules adopted thereunder.

Any person who was a party to a proceeding before the director of environmental protection may participate in an appeal to the environmental

review appeals commission for an order vacating or modifying the action of the director ~~of environmental protection~~ or a local board of health, or ordering the director or board of health to perform an act. The environmental review appeals commission has exclusive original jurisdiction over any matter that may, under this section, be brought before it.

The person so appealing to the commission shall be known as appellant, and the director and any party to a proceeding substantially supporting the finding from which the appeal is taken shall be known as appellee, except that when an appeal involves a license to operate a disposal site or facility, the local board of health or the director of environmental protection, and any party to a proceeding substantially supporting the finding from which the appeal is taken, shall, as appropriate, be known as the appellee. Appellant and appellee shall be deemed to be parties to the appeal.

The appeal shall be in writing and shall set forth the action complained of and the grounds upon which the appeal is based.

The appeal shall be filed with the commission within thirty days after notice of the action. Notice of the filing of the appeal shall be filed with the appellee within three days after the appeal is filed with the commission.

The appeal shall be accompanied by a filing fee of ~~forty~~ sixty dollars, which the commission, in its discretion, may waive in cases of extreme hardship.

Within seven days after receipt of the notice of appeal, the director or local board of health shall prepare and certify to the commission a record of the proceedings out of which the appeal arises, including all documents and correspondence, and a transcript of all testimony.

Upon the filing of the appeal, the commission shall fix the time and place at which the hearing on the appeal will be held. The commission shall give the appellant and the appellee at least ten days' written notice thereof by certified mail. The commission shall hold the hearing within thirty days after the notice of appeal is filed. The commission may postpone or continue any hearing upon its own motion or upon application of the appellant or of the appellee.

The filing of an appeal does not automatically suspend or stay execution of the action appealed from. Upon application by the appellant, the commission may suspend or stay ~~such~~ the execution pending immediate determination of the appeal without interruption by continuances, other than for unavoidable circumstances.

As used in this section and sections 3745.05 and 3745.06 of the Revised Code, "director of environmental protection" and "director" are deemed to

include the director of agriculture and "environmental protection agency" is deemed to include the department of agriculture with respect to actions that are appealable to the commission under Chapter 903. of the Revised Code.

Sec. 3745.10. (A) Not later than ten business days after receipt of an application for a permit to install, or a modification of such a permit, under rules adopted under division (F) of section 3704.03 of the Revised Code or for the approval of plans under section 6111.44, 6111.45, or 6111.46 of the Revised Code, the director of environmental protection shall send to the applicant written acknowledgement of receipt of the application. 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 to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.

(B) Prior to January 1, 1994, each person issued a permit to operate, variance, or permit to install under section 3704.03 of the Revised Code shall pay the fees specified in the following schedule:

(1) Fuel-Burning Equipment

Input capacity (million British thermal units per hour)	Permit to operate	Variance	Permit to install
0 or more, but less than 10	\$ 75	\$225	\$ 100
10 or more, but less than 100	210	450	390
100 or more, but less than 300	270	675	585
300 or more, but less than 500	330	900	780
500 or more	500	975	1000

Any fuel-burning equipment using only natural gas, propane, liquefied

petroleum gas, or number two or lighter fuel oil shall be assessed a fee one-half of that shown.

(2) Incinerators

Input capacity (pounds per hour)	Permit to operate	Variance	Permit to install
0 to 50	\$ 50	\$225	\$ 65
51 to 500	210	450	390
501 to 2000	270	675	585
2001 to 30,000	330	900	780
more than 30,000	500	975	1000

(3) Process

Process weight rate (pounds per hour)	Permit to operate	Variance	Permit to install
0 to 1000	\$100	\$225	\$ 200
1001 to 5000	210	450	390
5001 to 10,000	270	675	585
10,001 to 50,000	330	900	780
more than 50,000	500	975	1000

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed.

(4) Storage tanks

Gallons (capacity)	Permit to operate	variance Variance	Permit to install
less <u>Less</u> than 40,000	\$150	\$225	\$ 195
40,000 or more, but less than 100,000	210	450	390
100,000 or more, but less than 400,000	270	675	585
400,000 or more, but less than 1,000,000	330	900	780
1,000,000 or more	500	975	1000

(5) Gasoline

Gasoline dispensing facilities	Permit to operate	Variance	Permit to install
For each gasoline dispensing facility	\$20	\$100	\$50

(6) Dry cleaning

	Permit		Permit
Dry cleaning	to		to
facilities	operate	Variance	install
For each dry cleaning			
facility	\$50	\$200	\$100

(7) Coal mining operations regulated under Chapter 1513. of the Revised Code shall be assessed a fee of two hundred fifty dollars per mine or location.

(C)(1) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in division (C)(1) of this section. For the purposes of that division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.

The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:

(a) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;

(b) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be collected no sooner than April 15, 1995;

(c) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.

The fees levied under division (C)(1) of this section do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.

(2) The fees assessed under division (C)(1) of this section are for the purpose of providing funding for the Title V permit program.

(3) The fees assessed under division (C)(1) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions

m the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

(4) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (C) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(2) of this section, beginning January 1, 1994, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 50	\$ 75
50 or more, but less than 100	300
100 or more	700

(2)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2001~~ 2004, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
--	----------------------------

Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670
30 or more, but less than 40	1,010
40 or more, but less than 50	1,340
50 or more, but less than 60	1,680
60 or more, but less than 70	2,010
70 or more, but less than 80	2,350
80 or more, but less than 90	2,680
90 or more, but less than 100	3,020
100 or more	3,350

(3) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000; ~~and shall continue through June 30, 2001.~~ The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (C)(1) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (C)(1) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year;

(b) If the 1989 consumer price index is revised, the director shall use the

revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after January 1, 1994, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers)

Input capacity (maximum) (million British thermal units per hour)	Permit to install
Greater than 0, but less than 10	\$ 200
10 or more, but less than 100	400
100 or more, but less than 300	800
300 or more, but less than 500	1500
500 or more, but less than 1000	2500
1000 or more, but less than 5000	4000
5000 or more	6000

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.

(2) Incinerators

Input capacity (pounds per hour)	Permit to install
0 to 100	\$ 100
101 to 500	400
501 to 2000	750
2001 to 20,000	1000
more than 20,000	2500

(3)(a) Process

Process weight rate (pounds per hour)	Permit to install
0 to 1000	\$ 200
1001 to 5000	400
5001 to 10,000	600
10,001 to 50,000	800
more than 50,000	1000

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed.

(b) Notwithstanding division (F)(3)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(3)(c) of this section for a process used in any of the following industries, as identified by the applicable four-digit standard industrial classification code

according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1972, as revised:

- 1211 Bituminous coal and lignite mining;
- 1213 Bituminous coal and lignite mining services;
- 1411 Dimension stone;
- 1422 Crushed and broken limestone;
- 1427 Crushed and broken stone, not elsewhere classified;
- 1442 Construction sand and gravel;
- 1446 Industrial sand;
- 3281 Cut stone and stone products;
- 3295 Minerals and earth, ground or otherwise treated.

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(3)(b) of this section:

Gallons (maximum useful capacity)	Permit to install
0 to 20,000	\$ 100
20,001 to 40,000	150
40,001 to 100,000	200
100,001 to 250,000	250
250,001 to 500,000	350
500,001 to 1,000,000	500
1,000,001 or greater	750
(4) Storage tanks	
Gallons (maximum useful capacity)	Permit to install
0 to 20,000	\$100
20,001 to 40,000	150
40,001 to 100,000	200
100,001 to 250,000	250
250,001 to 500,000	350
500,001 to 1,000,000	500
1,000,001 or greater	750
(5) Gasoline/fuel dispensing facilities	
For each gasoline/fuel dispensing facility	Permit to install \$ 100
(6) Dry cleaning facilities	
For each dry cleaning facility (includes all units)	Permit to install

at the facility) \$ 100

(7) Registration status
 For each source covered Permit to install
 by registration status \$ 75

(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay the fees set forth in the following schedule:

Action	Fee
Each notification	\$75
Asbestos removal	\$3/unit
Asbestos cleanup	\$4/cubic yard

For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.

(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.

(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

(J) Notwithstanding division (B) or (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee established in this division does not preclude the director from taking any administrative or judicial enforcement action under this chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised Code, or a rule adopted under any of them, in connection with a violation of rules adopted under division (F) of section 3704.03 of the Revised Code.

As used in this division, "actual construction of the source" means the

initiation of physical on-site construction activities in connection with improvements to the source that are permanent in nature, including, without limitation, the installation of building supports and foundations and the laying of underground pipework.

(K) Fifty cents per ton of each fee assessed under division (C) of this section on actual emissions from a source and received by the environmental protection agency pursuant to that division shall be deposited into the state treasury to the credit of the small business assistance fund created in section 3706.19 of the Revised Code. The remainder of the moneys received by the division pursuant to that division and moneys received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the clean air fund created in section 3704.035 of the Revised Code.

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) or (c) of this section, a person issued a water discharge permit or renewal of a water discharge permit pursuant to Chapter 6111. of the Revised Code shall pay a fee based on each point source to which the issuance is applicable in accordance with the following schedule:

Design flow discharge (gallons per day)	Fee
0 to 1000	\$ 0
1,001 to 5000	100
5,001 to 50,000	200
50,001 to 100,000	300
100,001 to 300,000	525
over 300,000	750

(b) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit that is applicable to coal mining operations regulated under Chapter 1513. of the Revised Code shall be two hundred fifty dollars per mine.

(c) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit for a public discharger identified by I in the third character of the permittee's NPDES permit number shall not exceed seven hundred fifty dollars.

(2) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2002~~ 2004, and one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, ~~2002~~ 2004, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2002~~ 2004, and five thousand

dollars on and after July 1, ~~2002~~ 2004. The fee shall be paid at the time the application is submitted.

(3) A person issued a modification of a water discharge permit shall pay a fee equal to one-half the fee that otherwise would be charged for a water discharge permit, except that the fee for the modification shall not exceed four hundred dollars.

(4) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(5)(a)(i) Not later than January 30, ~~2000~~ 2002, and January 30, ~~2001~~ 2003, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(5)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of 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 period specified in division (L)(5)(a)(iii) of this

section. The annual discharge fee may be prorated for a new source as described in division (L)(5)(a)(ii) of this section.

(b) An NPDES permit holder that is a public discharger shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2000	Fee due by January 30, 2001 <u>2002, and</u> <u>January 30,</u> <u>2003</u>
5,000 to 49,999	\$ 180	\$ 200
50,000 to 100,000	450	500
100,001 to 250,000	900	1,050
250,001 to 1,000,000	2,250	2,600
1,000,001 to 5,000,000	4,500	5,200
5,000,001 to 10,000,000	9,000	10,350
10,000,001 to 20,000,000	13,500	15,550
20,000,001 to 50,000,000	22,500	25,900
50,000,001 to 100,000,000	36,000	41,400
100,000,001 or more	54,000	62,100

Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

~~(c)~~ (c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2000	Fee due by January 30, 2001 <u>2002, and</u> <u>January 30,</u> <u>2003</u>
5,000 to 49,999	\$ 180	\$ 250
50,000 to 250,000	900	1,200
250,001 to 1,000,000	2,250	2,950

1,000,001 to 5,000,000	4,500	5,850
5,000,001 to 10,000,000	6,750	8,800
10,000,001 to 20,000,000	9,000	11,700
20,000,001 to 100,000,000	10,800	14,050
100,000,001 to 250,000,000	12,600	16,400
250,000,001 or more	14,400	18,700

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~~ seven thousand five hundred dollars not later than January 30, 2002, and not later than January 30, 2003. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2000~~ 2002, and not later than January 30, ~~2001~~ 2003. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(6) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(7) The director shall transmit all moneys collected under division (L) of this section to the treasurer of state for deposit into the state treasury to the credit of the surface water protection fund created in section 6111.038 of the Revised Code.

~~(7)~~(8) As used in division (L) of this section:

(a) "NPDES" means the federally approved national pollutant discharge elimination system program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and

rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, ~~2002~~ 2004, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

Fees required under this division shall be calculated and paid in accordance with the following schedule:

(1) For the initial license required under division (A)(1) of section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2002~~ 2004, the fee is:

Number of service connections	Fee amount
Not more than 49	\$56
50 to 99	88
Number of service connections	Average cost per connection
100 to 2,499	\$.96
2,500 to 4,999	.92
5,000 to 7,499	.88
7,500 to 9,999	.84
10,000 to 14,999	.80
15,000 to 24,999	.76
25,000 to 49,999	.72
50,000 to 99,999	.68
100,000 to 149,999	.64
150,000 to 199,999	.60
200,000 or more	.56

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2002~~ 2004, the fee is:

Population served	Fee amount
Fewer than 150	\$ 56
150 to 299	88
300 to 749	192
750 to 1,499	392
1,500 to 2,999	792
3,000 to 7,499	1,760
7,500 to 14,999	3,800
15,000 to 22,499	6,240
22,500 to 29,999	8,576
30,000 or more	11,600

As used in division (M)(2) of this section, "population served" means the total number of individuals receiving water from the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under division (A)(3) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2002~~ 2004, the fee is:

Number of wells supplying system	Fee amount
1	\$ 56
2	56
3	88
4	192
5	392

System supplied by surface
water, springs, or dug wells 792

As used in division (M)(3) of this section, "number of wells supplying system" means those wells that are physically connected to the plumbing system serving the public water system.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2002~~ 2004, and five thousand dollars on and after July 1, ~~2002~~ 2004. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2002~~ 2004, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological	\$1,650
organic chemical	3,500
inorganic chemical	3,500
standard chemistry	1,800
limited chemistry	1,000

On and after July 1, ~~2002~~ 2004, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$250
chemical/radiological	250
nitrate/turbidity (only)	150

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2002~~ 2004, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund

ed in section 6109.30 of the Revised Code.

(O) Any person applying to the director for examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code, at the time the application is submitted, shall pay an application fee of twenty-five dollars through June 30, ~~2002~~ 2004, and ten dollars on and after July 1, ~~2002~~ 2004. Upon approval from the director that the applicant is eligible to take the examination therefor, the applicant shall pay a fee in accordance with the following schedule through June 30, ~~2002~~ 2004:

Class I operator	\$45
Class II operator	55
Class III operator	65
Class IV operator	75

On and after July 1, ~~2002~~ 2004, the applicant shall pay a fee in accordance with the following schedule:

Class I operator	\$25
Class II operator	35
Class III operator	45
Class IV operator	55

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Through June 30, ~~2002~~ 2004, any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or

an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the permit fee is late.

Permit and late payment fees paid to the director under this division shall be credited to the general revenue fund.

(R)(1) A person issued a registration certificate for a scrap tire collection facility under section 3734.75 of the Revised Code shall pay a fee of two hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised 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

ollars, 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 dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per

acreage fee shall not exceed three hundred dollars. In addition, any person applying for a national pollutant discharge elimination system general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

If a registration certificate is issued under section 3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of the application fee paid shall be deducted from the amount of the registration certificate fee due under division (R)(1), (2), or (5) of this section, as applicable.

(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 3734.76 of the Revised Code, as applicable, if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code.

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political

subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary to carry out this section.

(U) When the director reasonably demonstrates that the direct cost to the state associated with the issuance of a permit to install, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which fees are prescribed in divisions (B)(7) and (L)(1)(b) of this section.

(V) Except as provided in divisions (L), (M), and (P) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(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;

(e) Emission and ambient monitoring;

(f) Modeling, analyses, or demonstrations;

(g) Preparing inventories and tracking emissions;

(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.

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.

(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:

(i) Except as provided in division (Y)(2)(d) of this section, a sewage

sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. 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 or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the

entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of sewage sludge that are transferred. However, the entity or facility generating or treating the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following ~~the effective date of this amendment~~ March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

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.

(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.

(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount ~~exceeds~~ exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund exceeded six hundred thousand dollars in either fiscal year, the director, after review of the fee structure and consultation with affected persons, shall issue an order reducing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will not exceed six hundred thousand dollars in any fiscal year.

If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division (Y)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated

during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications:

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);

(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;

(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.

(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.

(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.

(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.

(g) "Land reclamation" means the returning of disturbed land to productive use.

(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.

(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.

(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.

(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section.

(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code.

(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and

includes the implementation of a community outreach program concerning the activity.

Sec. 3745.15. (A)(1) Not later than one hundred fifty days after receipt of a complete 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 either issue or deny the permit or modification or approve or disapprove the plans, whichever is applicable. The director shall send written notification to the applicant of the issuance or denial or the approval or disapproval, whichever is applicable. If the director fails to issue or deny the permit or modification or approve or disapprove the plans, whichever is applicable, not later than one hundred fifty days after receipt of a complete application, the director and the director's authorized representatives shall not collect the applicable permit to install fee established under division (F) or (I) of section 3745.11 of the Revised Code or the applicable plan approval fee established under division (L)(2) of section 3745.11 of the Revised Code, whichever is applicable.

For purposes of this section, a complete application is an application that has been determined or deemed to be complete under section 3745.10 of the Revised Code.

(2) If the director fails to issue or deny a permit to install or modification of such a permit within the one-hundred-fifty-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.

(B)(1) Upon the written request of the applicant, the director, in writing, may extend the time provided under division (A)(1) of this section for issuing or denying a permit to install or modification of such a permit for the additional time specified in the applicant's request for the extension.

(2) If the time for the issuance or denial of a permit to install or modification of such a permit is extended under division (B)(1) of this section, the preclusion against the collection of the applicable permit to install fee established under division (A)(1) of this section does not apply unless the preclusion is included in a written agreement providing for the extension of time.

(C) Upon the written request of the person who is responsible for a facility, the director may consolidate or group applications for the issuance of permits to install under rules adopted under division (F) of section 3704.03 of the Revised Code, or modifications or renewals of those permits, for individual air contaminant sources located at the facility in order to

reduce the unnecessary paperwork and administrative burden to the applicant and the director in connection with the issuance of those permits, modifications, and renewals. Applicable fees that are payable to the director under section 3745.11 of the Revised Code shall not be reduced by reason of any such consolidation or grouping of applications for permits, modifications, or renewals.

(D) Notwithstanding any provision of Chapter 3704., 3734., 3746., or 6111. of the Revised Code to the contrary, not later than one hundred fifty days after the receipt of an application for a permit under any of those chapters other than a permit specified in division (A)(1) of this section, the director shall either issue or deny the permit. The director shall send written notification to the applicant of the issuance or denial. If the director fails to issue or deny the permit by the end of the one-hundred-fifty-day period, the application is deemed approved, and the director shall issue the permit. The director shall send written notification to the applicant of the issuance.

Sec. 3745.22. (A) As used in this section, "eligible institution of higher education" means any of the state universities listed in section 3345.011 of the Revised Code, or a community college, technical college, university branch, state community college, or an institution that is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code.

(B) There is hereby created in the state treasury the environmental education fund consisting of moneys credited to the fund pursuant to sections 3704.06 and 6111.09 of the Revised Code and any gifts, grants, or contributions received by the director of environmental protection for the purposes of the fund. The fund shall be administered by the director with the advice and assistance of the environmental education council created in section 3745.21 of the Revised Code. Moneys in the fund shall be used exclusively to develop, implement, and administer a program to enhance public awareness and the objective understanding within this state of issues affecting environmental quality. Toward that end, moneys in the fund may be used for purposes that include, without limitation, developing elementary and secondary school and collegiate curricula on environmental issues; providing training for this state's elementary and secondary school teachers on environmental issues; providing educational seminars for concerned members of the public regarding the scientific and technical aspects of environmental issues; providing educational seminars regarding pollution prevention and waste minimization for persons regulated by the environmental protection agency; providing educational seminars for persons regulated by the environmental protection agency, including,

without limitation, small businesses, regarding the regulatory requirements of the agency and the means of achieving and maintaining compliance with them; and providing one or more scholarships in environmental sciences or environmental engineering ~~at one or more state colleges or universities, as "state college or university" is defined in section 3345.27 of the Revised Code~~ for students enrolled at an eligible institution of higher education.

The director may expend not more than one million five hundred thousand dollars of the moneys credited to the environmental education fund under sections 3704.06 and 6111.09 of the Revised Code in any fiscal year for the purposes specified in this division. The director may request authority from the controlling board to expend any moneys credited to that fund in any fiscal year in excess of that amount.

~~(B)~~(C) Not later than the first day of April each year, the director, with the advice and assistance of the council, shall prepare and submit to the governor, the president of the senate, and the speaker of the house of representatives an environmental education agenda that describes the proposed uses of the environmental education fund during the following fiscal year. Prior to submitting the agenda the director, in conjunction with the council, shall hold a public hearing in Franklin county to receive comments on the agenda. After the public hearing and before submitting the agenda to the governor, the president, and the speaker, the director, with the advice and assistance of the council, may make any modifications to the agenda that the director considers appropriate based upon the comments received at the public hearing.

~~(C)~~(D) Not later than the first day of September each year, the director, with the advice and assistance of the council, shall prepare and submit to the governor, the president of the senate, and the speaker of the house of representatives a report on the revenues credited to and expenditures from the environmental education fund during the immediately preceding fiscal year.

Sec. 3750.02. (A) There is hereby created the emergency response commission consisting of the directors of environmental protection and health, the ~~chairpersons~~ chairperson of the public utilities commission, ~~industrial commission, and state and local government commission,~~ the fire marshal, the director of public safety, the director of ~~job and family services~~ transportation, the director of natural resources, the superintendent of the highway patrol, and the attorney general as members ex officio, or their designees; notwithstanding section 101.26 of the Revised Code, the chairpersons of the respective standing committees of the senate and house of representatives that are primarily responsible for considering

onmental issues who may participate fully in all the commission's deliberations and activities, except that they shall serve as nonvoting members; and ten members to be appointed by the governor with the advice and consent of the senate. The appointed members, to the extent practicable, shall have technical expertise in the field of emergency response. Of the appointed members, two shall represent environmental advocacy organizations, one shall represent the interests of petroleum refiners or marketers or chemical manufacturers, one shall represent the interests of another industry subject to this chapter, one shall represent the interests of municipal corporations, one shall represent the interests of counties, one shall represent the interests of chiefs of fire departments, one shall represent the interests of professional firefighters, one shall represent the interests of volunteer firefighters, and one shall represent the interests of local emergency management agencies.

An appointed member of the commission also may serve as a member of the local emergency planning committee of an emergency planning district. An appointed member of the commission who is also a member of a local emergency planning committee shall not participate as a member of the commission in the appointment of members of the local emergency planning committee of which the member is a member, in the review of the chemical emergency response and preparedness plan submitted by the local emergency planning committee of which the member is a member, in any vote to approve a grant to the member's district, or in any vote of the commission on any motion or resolution pertaining specifically to the member's district or the local emergency planning committee on which the member serves. A commission member who is also a member of a local emergency planning committee shall not lobby or otherwise act as an advocate for the member's district to other members of the commission to obtain from the commission anything of value for the member's district or the local emergency planning committee of which the member is a member. A member of the commission who is also a member of a local emergency planning committee may vote on resolutions of the commission that apply uniformly to all local emergency planning committees and districts in the state and do not provide a grant or other pecuniary benefit to the member's district or the committee of which the member is a member.

The governor shall make the initial appointments to the commission within thirty days after December 14, 1988. Of the initial appointments to the commission, five shall be for a term of two years and five shall be for a term of one year. Thereafter, terms of office of the appointed members of the commission shall be for two years, with each term ending on the same

day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. The commission may at any time by a vote of two-thirds of all the members remove any appointed member of the commission for misfeasance, nonfeasance, or malfeasance. Members of the commission shall serve without compensation, but shall be reimbursed for the reasonable expenses incurred by them in the discharge of their duties as members of the commission.

The commission shall meet at least annually and shall hold such additional meetings as are necessary to implement and administer this chapter. Additional meetings may be held at the behest of either a co-chairperson or a majority of the members. The commission shall, by adoption of internal management rules under division (B)(9) of this section, establish an executive committee and delegate to it the performance of such of the commission's duties and powers under this chapter as are required or authorized to be so delegated by that division. The commission may organize itself into such additional committees as it considers necessary or convenient to implement and administer this chapter. The director of environmental protection and the director of public safety or their designees shall serve as co-chairpersons of the commission and the executive committee. Except as otherwise provided in this chapter, a majority of the voting members of the commission constitutes a quorum and the affirmative vote of a majority of the voting members of the commission is necessary for any action taken by the commission. Meetings of the executive committee conducted for the purpose of determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce this chapter or rules adopted or orders issued under it are not subject to section 121.22 of the Revised Code pursuant to division (D) of that section.

Except for the purposes of Chapters 102. and 2921. and sections 9.86 and 109.36 to 109.366 of the Revised Code, serving as an appointed member of the commission does not constitute holding a public office or position of employment under the laws of this state and does not constitute

grounds for removal of public officers or employees from their offices or positions of employment.

(B) The commission shall:

(1) Adopt rules in accordance with Chapter 119. of the Revised Code that are consistent with and equivalent in scope, content, and coverage to the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and applicable regulations adopted under it:

(a) Identifying or listing extremely hazardous substances and establishing a threshold planning quantity for each such substance. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold planning quantities based upon classes of those substances or categories of facilities at which such substances are present.

(b) Listing hazardous chemicals, establishing threshold quantities for those chemicals, establishing categories of health and physical hazards of those chemicals, establishing criteria or procedures for identifying those chemicals and the appropriate hazard categories of those chemicals, and establishing ranges of quantities for those chemicals to be used in preparing emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold quantities based upon classes of those chemicals or categories of facilities where those chemicals are present.

To the extent consistent with that act, the threshold quantities for purposes of the submission of lists of hazardous chemicals under section 3750.07 and the submission of emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code may differ.

(c) Identifying or listing hazardous substances and establishing reportable quantities of each of those substances and each extremely hazardous substance. In addition to being consistent with and equivalent in scope, content, and coverage to that act and applicable regulations adopted under it, the rules shall be consistent with and equivalent in scope, content, and coverage to regulations identifying or listing hazardous substances and reportable quantities of those substances adopted under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended.

(d) Prescribing the information to be included in the lists of hazardous chemicals required to be submitted under section 3750.07 of the Revised Code;

(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;

(j) Establishing other requirements or authorizations that the commission considers necessary or appropriate to implement, administer, and enforce this chapter.

(2) Adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter that may be more stringent than the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it. Rules adopted under division (B)(2) of this section shall not be inconsistent with that act or the regulations adopted under it. The rules shall:

(a) Prescribe the information to be included in the chemical emergency response and preparedness plans prepared and submitted by local emergency planning committees under section 3750.04 of the Revised Code;

(b) Establish criteria and procedures for reviewing the chemical emergency response and preparedness plans of local emergency planning committees required by section 3750.04 of the Revised Code and the annual exercise of those plans and for providing concurrence or requesting modifications in the plans and the exercise of those plans. The criteria shall

include, without limitation, the requirement that each exercise of a committee's plan involve, in addition to local emergency response and medical personnel, either a facility that is subject to the plan or a transporter of materials that are identified or listed as hazardous materials by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended.

(c) Establish policies and procedures for maintaining information submitted to the commission and local emergency planning committees under this chapter, and for receiving and fulfilling requests from the public for access to review and to obtain copies of that information. The criteria and procedures shall include the following requirements and authorizations regarding that information and access to it:

(i) Information that is protected as trade secret information or confidential business information under this chapter and rules adopted under it shall be kept in files that are separate from those containing information that is not so protected.

(ii) The original copies of information submitted to the commission or committee shall not be removed from the custody and control of the commission or committee.

(iii) A person who, either in person or by mail, requests to obtain a copy of a material safety data sheet submitted under this chapter by a facility owner or operator shall submit a separate application for each facility for which a material safety data sheet is being requested.

(iv) A person who requests to receive by mail a copy of information submitted under this chapter by a facility owner or operator shall submit a separate application for each facility for which information is being requested and shall specify both the facility for which information is being requested and the particular types of documents requested.

(v) Only employees of the commission or committee shall copy information in the files of the commission or committee.

(vi) The commission or committee may require any person who requests to review or obtain a copy of information in its files to schedule an appointment for that purpose with the information coordinator of the commission or committee at least twenty-four hours before arriving at the office of the commission or committee for the review or copy.

(vii) Any person who seeks access to information in the files of the commission or a local emergency planning committee shall submit a written application, either in person or by mail, to the information coordinator on a form provided by the commission or committee. The person also shall provide the person's name and current mailing address on the application

and may be requested by the commission or committee to provide basic demographic information on the form to assist in the evaluation of the information access provisions of this chapter and rules adopted under it. Application forms may be obtained by mail or in person or by request by telephone at the office of the commission or committee during regular business hours. Upon receipt of a request for an application by telephone or mail, the information coordinator shall promptly mail an application to the person who requested it.

(viii) The application form shall provide the applicant with a means of indicating that the applicant's name and address are to be kept confidential. If the applicant so indicates, that information is not a public record under section 149.43 of the Revised Code and shall not be disclosed to any person who is not a member or employee of the commission or committee or an employee of the environmental protection agency. When a name and address are to be kept confidential, they also shall be deleted from the copy of the application required to be placed in the file of the facility under division (B)(2)(c)(xii) of this section and shall be withheld from any log of information requests kept by the commission or committee pursuant to that division.

(ix) Neither the commission nor a local emergency planning committee shall charge any fee for access to review information in its files when no copies or computer searches of that information are requested.

(x) An applicant shall be informed of the cost of copying, mailing, or conducting a computer search of information on file with the commission or committee before such a copy or search is made, and the commission or committee shall collect the appropriate fees as established under section 3750.13 of the Revised Code. Each applicant shall acknowledge on the application form that the applicant is aware that the applicant will be charged for copies and computer searches of that information the applicant requests and for the costs of mailing copies of the information to the applicant.

(xi) The commission or committee may require a person requesting copies of information on file with it to take delivery of them in the office of the commission or committee whenever it considers the volume of the information to be large enough to make mailing or delivery by a parcel or package delivery service impractical.

(xii) When the commission or committee receives a request for access to review or obtain copies of information in its files, it shall not routinely notify the owner or operator of the facility involved, but instead shall either keep a log or file of requests for the information or shall place a copy of

each completed application form in the file for the facility to which the application pertains. Such a log or file shall be available for review by the public and by the owners and operators of facilities required to submit information to the commission or committee under this chapter and rules adopted under it.

(d) Require that claims for the protection, as a trade secret, of information obtained under this chapter regarding extremely hazardous substances identified or listed in rules adopted under division (B)(1)(a) of this section and hazardous chemicals identified or listed in rules adopted under division (B)(1)(b) of this section be submitted to the administrator of the United States environmental protection agency for determination under section 322 of the the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that section;

(e) Establish criteria and procedures for the issuance of variances under divisions (B) and (C) of section 3750.11 of the Revised Code. The rules shall require that, before approval of an application for a variance, the commission or committee find by a preponderance of the scientific evidence based upon generally accepted scientific principles or laboratory tests that the extremely hazardous substances, hazardous chemicals, or hazardous substances that would be subject to the reporting requirement pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to emergency management personnel responding to a release of the chemicals or substances, when the substances or chemicals are present at a facility in an amount equal to or exceeding the quantity for which reporting would be required under the reporting requirement for which the variance is sought. The rules shall also require that before approval of an application for a variance, the commission or committee find by a preponderance of the evidence that the development and implementation of a local emergency response plan for releases of the substances or chemicals covered by the reporting requirement will reduce the risk of catastrophic injury to public health or safety or to the environment, or will reduce the extraordinary risk of injury to responding emergency management personnel, in the event of a release of the substances or chemicals and find by a preponderance of the evidence that the reporting requirement is necessary for the development of such a local emergency response plan. The rules shall require that when determining whether the substances or chemicals that would be subject to the reporting requirement pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk

of injury to emergency management personnel responding to a release of the substance or chemical, the commission or committee consider all of the following factors:

(i) The specific characteristics and degree and nature of the hazards posed by a release of the extremely hazardous substances, hazardous chemicals, or hazardous substances;

(ii) The proximity of the facilities that would be subject to the reporting requirement to residential areas, to areas where significantly large numbers of people are employed or otherwise congregate, and to environmental resources that are subject to injury;

(iii) The quantities of the extremely hazardous substances, hazardous chemicals, or hazardous substances that are routinely present at facilities that would be subject to the reporting requirement;

(iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facilities that would be subject to the reporting requirement in quantities for which reporting would be required thereunder.

(f) Establish criteria and procedures for the issuance of orders under division (D) of section 3750.11 of the Revised Code requiring the placement of emergency response lock box units. The rules shall require that before approval of an application for issuance of such an order, the commission or committee find by a preponderance of the scientific evidence based upon generally accepted scientific principles or laboratory tests that the presence of the extremely hazardous substances, hazardous chemicals, or hazardous substances in the quantities in which they are routinely or intermittently present at the facility for which the order is sought pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility. The rules shall require that before approval of an application for issuance of such an order, the commission or committee also find by a preponderance of the evidence that the placement of an emergency response lock box unit at the facility is necessary to protect against the substantial risk of catastrophic injury to public health or safety or the environment, or to protect against an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of the extremely hazardous substances, hazardous chemicals, or hazardous substances routinely or intermittently present at the facility. The rules shall require that when determining whether the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the

facility pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility, the commission or committee consider all of the following factors:

(i) The specific characteristics and the degree and nature of the hazards posed by a release of the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the facility;

(ii) The proximity of the facility to residential areas, to areas where significantly large numbers of people are employed or otherwise congregate, and to environmental resources that are subject to injury;

(iii) The quantities of the extremely hazardous substances, hazardous chemicals, or hazardous substances that are routinely present at the facility;

(iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facility.

(g) Establish procedures to be followed by the commission and the executive committee of the commission for the issuance of orders under this chapter.

(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;

(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 threshold quantities and categories of health and physical hazards for the added hazardous chemicals shall be

consistent with and equivalent to applicable criteria therefor under 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. The criteria for identifying additional hazardous substances and for establishing reportable quantities of the added hazardous substances shall be consistent with and equivalent to the applicable criteria for identifying or listing hazardous substances and establishing reportable quantities therefor under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, and regulations adopted under it.

The rules shall require that, before identifying or listing any such additional extremely hazardous substance, hazardous chemical, or hazardous substance and establishing a threshold planning quantity, threshold quantity, or reportable quantity therefor, the commission find by a preponderance of the scientific evidence based on generally accepted scientific principles or laboratory tests that the substance or chemical poses a substantial risk of catastrophic injury to public health or safety or to the environment, or poses an extraordinary risk of injury to emergency management personnel responding to a release of the chemical or substance, when the chemical or substance is present at a facility in an amount equal to the proposed threshold planning quantity or threshold quantity or, in the instance of a proposed additional extremely hazardous substance or hazardous substance, poses a substantial risk of catastrophic injury to public health or safety or to the environment if a release of the proposed reportable quantity of the substance occurs. The rules shall further require that, before so identifying or listing a substance or chemical, the commission find by a preponderance of the evidence that the development and implementation of state or local emergency response plans for releases of the substance or chemical will reduce the risk of a catastrophic injury to public health or safety or to the environment, or will reduce the extraordinary risk of injury to responding emergency response personnel, in the event of a release of the substance or chemical and find by a preponderance of the evidence that the identification or listing of the substance or chemical is necessary for the development of state or local emergency response plans for releases of the substance or chemical. The rules shall require that the commission consider the toxicity of the substance or chemical in terms of both the short-term and long-term health effects resulting from exposure to it and its reactivity, volatility, dispersibility, combustibility, and flammability when determining the risks posed by a release of the substance or chemical and, as appropriate, when establishing a threshold planning quantity, threshold quantity, reportable

quantity, or category of health or physical hazard for it.

(5) Adopt rules in accordance with Chapter 119. of the Revised Code establishing criteria and procedures for receiving and deciding claims for protection of information as a trade secret that are applicable only to extremely hazardous substances and hazardous chemicals identified or listed in rules adopted under division (C)(5) of this section. The rules shall be equivalent in scope, content, and coverage to section 322 of the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under it.

(6)(a) After consultation with the fire marshal, adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for the construction, placement, and use of emergency response lock box units at facilities that are subject to this chapter. The rules shall establish all of the following:

(i) Specific standards of construction for lock box units;

(ii) The specific types of information that shall be placed in the lock box units required to be placed at a facility by an order issued under division (D) of section 3750.11 of the Revised Code, which shall include the location of on-site emergency fire-fighting and spill cleanup equipment; a diagram of the public and private water supply and sewage systems serving the facility that are known to the owner or operator of the facility; a copy of the emergency and hazardous chemical inventory form for the facility most recently required to be submitted under section 3750.08 of the Revised Code from which the owner or operator may withhold information claimed or determined to be trade secret information pursuant to rules adopted under division (B)(2)(d) of this section, or pursuant to division (B)(14) of this section and rules adopted under division (B)(5) of this section, and confidential business information identified in rules adopted under division (B)(1)(h) of this section; a copy of the local fire department's and facility's emergency management plans for the facility, if any; a current list of the names, positions, addresses, and telephone numbers of all key facility personnel knowledgeable in facility safety procedures and the locations at the facility where extremely hazardous substances, hazardous chemicals, and hazardous substances are produced, used, or stored. The rules shall stipulate that, in the instance of lock box units placed voluntarily at facilities by the owners or operators of the facilities, such information shall be maintained in them as is prescribed by agreement by the owner or operator and the fire department having jurisdiction over the facility.

(iii) The conditions that shall be met in order to provide safe and expedient access to a lock box unit during a release or threatened release of

an extremely hazardous substance, hazardous chemical, or hazardous substance.

(b) Unless the owner or operator of a facility is issued an order under division (D) of section 3750.11 of the Revised Code requiring the owner or operator to place a lock box unit at the facility, the owner or operator may place a lock box unit at the 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 under section 3750.18 of the Revised Code and to request the attorney general to bring a civil action, civil penalty action, or criminal action under section 3750.20 of the Revised Code in the name of the commission regarding violations of this chapter, rules adopted under it, or orders issued under it. The internal management rules may set forth the other specific powers and duties of the commission that the executive committee may exercise and carry out and the conditions under which the executive committee may do so. The internal management rules shall not authorize the executive committee to issue variances under division (B) or (C) of section 3750.11 of the Revised Code or orders under division

(D) of that section.

(10) Oversee and coordinate the implementation and enforcement of this chapter and make such recommendations to the director of environmental protection and the director of public safety as it considers necessary or appropriate to improve the implementation and enforcement of this chapter;

(11) Make allocations of moneys under division (B) of section 3750.14 of the Revised Code and make grants under division (C) of section 3750.14 and division (B) of section 3750.15 of the Revised Code;

(12) Designate an officer of the environmental protection agency to serve as the commission's information coordinator under this chapter;

(13) Not later than December 14, 1989, develop and distribute a state emergency response plan that defines the emergency response roles and responsibilities of the state agencies that are represented on the commission and that provides appropriate coordination with the national contingency plan and the regional contingency plan required by section 105 of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended. The plan shall ensure a well-coordinated response by state agencies that may be involved in assisting local emergency responders during a major release of oil or a major sudden and accidental release of a hazardous 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 threshold quantities and categories or health and physical hazards for the added chemicals, and identify or list hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(c) of this section and establish reportable quantities for the added hazardous substances. The commission may establish threshold planning quantities for the additional extremely hazardous substances based upon classes of those substances or categories of facilities at which they are present and may establish threshold quantities for the additional hazardous chemicals based upon classes of those chemicals or categories of facilities where they are present. The commission

shall identify or list such additional substances or chemicals and establish threshold planning quantities, threshold quantities, reportable quantities, and hazard categories therefor in accordance with the criteria and procedures established in rules adopted under division (B)(4) of this section and, after compliance with those criteria and procedures, by the adoption of rules in accordance with Chapter 119. of the Revised Code. The commission shall not adopt rules under division (C)(5) of this section modifying any threshold planning quantity established in rules adopted under division (B)(1)(a) of this section, any threshold quantity established in rules adopted under division (B)(1)(b) of this section, or any reportable quantity established in rules adopted under division (B)(1)(c) of this section.

If, after the commission has adopted rules under division (C)(5) of this section identifying or listing an extremely hazardous substance, hazardous chemical, or hazardous substance, the administrator of the United States environmental protection agency identifies or lists the substance or chemical as an extremely hazardous substance or hazardous chemical under the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a substance as a hazardous substance under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the commission shall rescind its rules adopted under division (C)(5) of this section pertaining to the substance or chemical and adopt the appropriate rules under division (B)(1)(a), (b), or (c) of this section.

(6) From time to time, request the director of environmental protection and the executive director of the emergency management agency to review implementation, administration, and enforcement of the chemical emergency response planning and reporting programs created by this chapter and rules adopted under it regarding their effectiveness in preparing for response to releases of extremely hazardous substances, hazardous chemicals, and hazardous substances. After completion of any such review, the director of environmental protection and the director of public safety shall report their findings to the commission. Upon receipt of their findings, the commission may make such recommendations for legislative and administrative action as the commission finds necessary or appropriate to promote achievement of the purposes of this chapter.

(D) Except as provided in section 3750.06 of the Revised Code, nothing in this chapter applies to the transportation, including the storage incident to transportation, of any substance or chemical subject to the requirements of this chapter, including the transportation and distribution of natural gas.

(E) This chapter authorizes the state, through the emergency response

commission, the department of public safety, and the environmental protection agency, to establish and maintain chemical emergency response planning and preparedness, community right-to-know, and hazardous substance and extremely hazardous substance release reporting programs that are consistent with and equivalent in scope, coverage, and content to the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it, except as otherwise specifically required or authorized in this chapter. The commission, department, and agencies may do all things necessary, incidental, or appropriate to implement, administer, and enforce this chapter and to perform the duties and exercise the powers of the state emergency response commission under that act and 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 form under section 3750.08 of the Revised Code shall submit with the inventory form a filing fee of one hundred fifty dollars. In addition to the filing fee, the owner or operator shall submit with the inventory form the following additional fees for reporting inventories of the individual hazardous chemicals and extremely hazardous substances produced, used, or stored at the facility:

(a) Except as provided in division (A)(1)(b) of this section, an additional fee of ~~ten~~ twenty dollars per hazardous chemical enumerated on the

inventory form ~~in excess of five;~~

(b) An additional fee of one hundred fifty dollars per extremely hazardous substance enumerated on the inventory form. The fee established in division (A)(1)(a) of this section does not apply to the reporting of the inventory of a hazardous chemical that is also an extremely hazardous substance to which the inventory reporting fee established in division (A)(1)(b) of this section applies.

The total fees required to accompany any inventory form shall not exceed twenty-five hundred dollars.

(2) An owner or operator of a facility who fails to submit such an inventory form within thirty days after the applicable filing date prescribed in section 3750.08 of the Revised Code shall submit with the inventory form a late filing fee in the amount of fifteen ten per cent per year of the total fees due under division (A)(1) or (4) of this section, in addition to the fees due under division (A)(1) or (4) of this section. ~~The late filing fee shall be compounded every three months until the total fees due under division (A)(1) or (4) of this section are submitted to the emergency response commission.~~

(3) The owner or operator of a facility who, during the preceding year, was required to pay a fee to a municipal corporation pursuant to an ordinance, rule, or requirement that was in effect on the effective date of this section for the reporting or providing of the names or amounts of extremely hazardous substances or hazardous chemicals produced, used, or stored at the facility may claim a credit against the fees due under division (A)(1) or (4) of this section for the fees paid to the municipal corporation pursuant to its reporting requirement. The amount of the credit claimed in any reporting year shall not exceed the amount of the fees due under division (A)(1) or (4) of this section during that reporting year, and no unused portion of the credit shall be carried over to subsequent years. In order to claim a credit under this division, the owner or operator shall submit with the emergency and hazardous chemical inventory form a receipt issued by the municipal corporation or other documentation acceptable to the commission indicating the amount of the fee paid to the municipal corporation and the date on which the fee was paid.

(4) An owner or operator who is regulated under Chapter 1509. of the Revised Code and who submits inventory forms information under section 1509.11 of the Revised Code for not more than thirty-five twenty-five facilities that meet all of the following conditions shall submit with the forms to the emergency response commission on or before the first day of March a flat fee of twenty-five fifty dollars if the facilities meet all of the

following conditions:

(a) The facility exclusively stores crude oil or liquid hydrocarbons or other fluids resulting, obtained, or produced in connection with the production or storage of crude oil or natural gas.

(b) The crude oil, liquid hydrocarbons, or other fluids stored at the facility are conveyed directly to it through piping or tubing.

(c) The facility is located on the same site as, or on a site adjacent to, the well from which the crude oil, liquid hydrocarbons, or other fluids are produced or obtained.

(d) The facility is used for the storage of the crude oil, liquid hydrocarbons, or other fluids prior to their transportation off the premises of the facility for sale, use, or disposal.

An owner or operator who submits ~~inventory forms~~ information 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 this section, and except for fees authorized by section 3737.22 of the Revised Code or rules adopted under sections 3737.82 to 3737.882 of the Revised Code and collected exclusively for either of those purposes, no committee or political subdivision shall levy any fee, tax, excise, or other charge to carry out the purposes of this chapter. A committee may charge the actual costs involved

in accessing any computerized data base established by the commission under this chapter or by the United States environmental protection agency under the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001.

(D) Moneys collected by the commission under this section shall be credited to the emergency planning and community right-to-know fund created in section 3750.14 of the Revised Code.

Sec. 3769.08. (A) Any person holding a permit to conduct a horse-racing meeting may provide a place in the race meeting grounds or enclosure at which the permit holder may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the live racing programs and simulcast racing programs conducted by ~~such~~ the permit holder.

~~Such~~ The pari-mutuel method of wagering upon the live racing programs and simulcast racing programs held at or conducted within such race track, and at the time of such horse-racing meeting, or at other times authorized by the state racing commission, shall not be unlawful. No other place, except that provided and designated by the permit holder and except as provided in section 3769.26 of the Revised Code, nor any other method or system of betting or wagering, except the pari-mutuel system, shall be used or permitted by the permit holder; nor, except as provided in section 3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel system of wagering be conducted by the permit holder on any races except the races at the race track, grounds, or enclosure for which the person holds a permit. Each permit holder may retain as a commission an amount not to exceed eighteen per cent of the total of all moneys wagered.

The pari-mutuel wagering authorized by this section is subject to sections 3769.25 to ~~3769.27~~ 3769.28 of the Revised Code.

(B) At the close of each racing day, each permit holder authorized to conduct thoroughbred racing, out of the amount retained on that day by the permit holder, shall pay by check, draft, or money order to the tax commissioner, as a tax, a sum equal to the following percentages of the total of all moneys wagered on live racing programs on that day and shall separately compute and pay by check, draft, or money order to the tax commissioner, as a tax, a sum equal to the following percentages of the total of all money wagered on simulcast racing programs on that day:

(1) One per cent of the first two hundred thousand dollars wagered, or any part ~~thereof~~ of that amount;

(2) Two per cent of the next one hundred thousand dollars wagered, or any part ~~thereof~~ of that amount;

(3) Three per cent of the next one hundred thousand dollars wagered, or any part ~~thereof~~ of that amount;

(4) Four per cent of all sums over four hundred thousand dollars wagered.

Except as otherwise provided in section 3769.089 of the Revised Code, each permit holder authorized to conduct thoroughbred racing shall use for purse money a sum equal to fifty per cent of the pari-mutuel revenues retained by the permit holder as a commission after payment of the state tax. This fifty per cent payment shall be in addition to the purse distribution from breakage specified in this section.

Subject to division (M) of this section, from the moneys paid to the tax commissioner by ~~thoroughbred racing~~ thoroughbred racing permit holders, one-half of one per cent of the total of all moneys so wagered on a racing day shall be paid into the Ohio fairs fund created by section 3769.082 of the Revised Code, one and one-eighth per cent of the total of all moneys so wagered on a racing day shall be paid into the Ohio thoroughbred race fund created by section 3769.083 of the Revised Code, and one-quarter of one per cent of the total of all moneys wagered on a racing day by each permit holder shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. The required payment to the state racing commission operating fund does not apply to county and independent fairs and agricultural societies. The remaining moneys may be retained by the permit holder, except as provided in this section with respect to the odd cents redistribution. Amounts paid into the PASSPORT fund shall be used solely for the support of the PASSPORT program as determined in appropriations made by the general assembly. If the PASSPORT program is abolished, the amount that would have been paid to the PASSPORT fund under this chapter shall be paid to the general revenue fund of the state. As used in this chapter, "PASSPORT program" means the PASSPORT program created under section 173.40 of the Revised Code.

~~During calendar year 1994, the~~ The total amount paid to the Ohio thoroughbred race fund under this section and division (A) of section 3769.087 of the Revised Code ~~shall not exceed by more than six per cent the total amount paid to this fund under this section and that section during calendar year 1990. During each calendar year after calendar year 1994, the total amount paid to this fund under this section and that section shall not exceed by more than six per cent the total amount paid to this fund under this section and that section during the immediately preceding calendar year.~~

Each year, the total amount calculated for payment into the Ohio fairs fund under this division, division (C) of this section, and division (A) of

~~section 3769.087 of the Revised Code shall be an amount calculated using the percentages specified in this division, division (C) of this section, and division (A) of section 3769.087 of the Revised Code. Until January 1, 1996, the total amount actually paid into the Ohio fairs fund under this division, division (C) of this section, and section 3769.087 of the Revised Code during each calendar year shall not exceed the total amount that was actually paid into that fund under this division, division (C) of this section, and section 3769.087 of the Revised Code during calendar year 1990, plus five hundred thousand dollars. Beginning on January 1, 1996, and continuing through December 31, 1998, the total amount actually paid into the Ohio fairs fund during each calendar year under this division, division (C) of this section, and section 3769.087 of the Revised Code shall not exceed by more than five per cent an amount equal to the total amount actually paid into the Ohio fairs fund during the immediately preceding calendar year.~~

A permit holder may contract with a thoroughbred horsemen's organization for the organization to act as a representative of all thoroughbred owners and trainers participating in a horse-racing meeting conducted by the permit holder. A "thoroughbred horsemen's organization" is any corporation or association that represents, through membership or otherwise, more than one-half of the aggregate of all thoroughbred owners and trainers who were licensed and actively participated in racing within this state during the preceding calendar year. Except as otherwise provided in this paragraph, any moneys received by a thoroughbred horsemen's organization shall be used exclusively for the benefit of thoroughbred owners and trainers racing in this state through the administrative purposes of the organization, benevolent activities on behalf of the horsemen, promotion of the horsemen's rights and interests, and promotion of equine research. A thoroughbred horsemen's organization may expend not more than an aggregate of five per cent of its annual gross receipts, or a larger amount as approved by the organization, for dues, assessments, and other payments to all other local, national, or international organizations having as their primary purposes the promotion of thoroughbred horse racing, thoroughbred horsemen's rights, and equine research.

(C) Except as otherwise provided in division (B) of this section, at the close of each racing day, each permit holder authorized to conduct harness or quarter horse racing, out of the amount retained that day by the permit holder, shall pay by check, draft, or money order to the tax commissioner, as a tax, a sum equal to the following percentages of the total of all moneys wagered on live racing programs and shall separately compute and pay by

heck, draft, or money order to the tax commissioner, as a tax, a sum equal to the following percentages of the total of all money wagered on simulcast racing programs on that day:

(1) One per cent of the first two hundred thousand dollars wagered, or any part ~~thereof~~ of that amount;

(2) Two per cent of the next one hundred thousand dollars wagered, or any part ~~thereof~~ of that amount;

(3) Three per cent of the next one hundred thousand dollars wagered, or any part ~~thereof~~ of that amount;

(4) Four per cent of all sums over four hundred thousand dollars wagered.

Except as otherwise provided in division (B) and subject to division (M) of this section, from the moneys paid to the tax commissioner by permit holders authorized to conduct harness or quarter horse racing, one-half of one per cent of all moneys wagered on that racing day shall be paid into the Ohio fairs fund; from the moneys paid to the tax commissioner by permit holders authorized to conduct harness racing, five-eighths of one per cent of all moneys wagered on that racing day shall be paid into the Ohio standardbred development fund; and from the moneys paid to the tax commissioner by permit holders authorized to conduct quarter horse racing, five-eighths of one per cent of all moneys wagered on that racing day shall be paid into the Ohio quarter horse development fund.

(D) In addition, subject to division (M) of this section, beginning on January 1, 1996, from the money paid to the tax commissioner as a tax under this section and division (A) of section 3769.087 of the Revised Code by harness horse permit holders, one-half of one per cent of the amount wagered on a racing day shall be paid into the Ohio standardbred development fund. Beginning January 1, 1998, the payment to the Ohio standardbred development fund required under this division ~~(D) of this section~~ does not apply to county agricultural societies or independent agricultural societies.

~~During calendar year 1994, the~~ The total amount paid to the Ohio standardbred development fund under this division, division (C) of this section, and division (A) of section 3769.087 of the Revised Code and the total amount paid to the Ohio quarter horse development fund under this division and division (A) of that section ~~shall not exceed by more than six per cent the total amount paid to each of these funds under this division and that section during calendar year 1990. During each calendar year after calendar year 1994, the total amount paid to each of these funds shall not exceed by more than six per cent the total amount paid into the fund under~~

this division, division (C) of this section, and division (A) of section 3769.087 of the Revised Code in the immediately preceding calendar year.

(E) Subject to division (M) of this section, from the money paid as a tax under this chapter by harness and quarter horse permit holders, one-quarter of one per cent of the total of all moneys wagered on a racing day by each permit holder shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. This division does not apply to county and independent fairs and agricultural societies.

(F) Except as otherwise provided in section 3769.089 of the Revised Code, each permit holder authorized to conduct harness racing shall ~~pay~~ pay to the harness horsemen's purse pool a sum equal to fifty per cent of the pari-mutuel revenues retained by the permit holder as a commission after payment of the state tax. This fifty per cent payment is to be in addition to the purse distribution from breakage specified in this section.

(G) In addition, each permit holder authorized to conduct harness racing shall be allowed to retain the odd cents of all redistribution to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten.

Forty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for purse money for Ohio sired, bred, and owned colts, for purse money for Ohio bred horses, and for increased purse money for horse races. Upon the formation of the corporation described in section 3769.21 of the Revised Code to establish a harness horsemen's health and retirement fund, twenty-five per cent of that portion of that total sum of odd cents shall be paid at the close of each racing day by the permit holder to ~~such that~~ corporation to establish and fund the health and retirement fund. Until ~~such that~~ corporation is formed, ~~such that~~ twenty-five per cent shall be paid at the close of each racing day by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county in which the permit holder operates race meetings. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

(H) In addition, each permit holder authorized to conduct thoroughbred racing shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten. Twenty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for increased purse money for horse races. Upon the formation of the corporation described in section 3769.21 of the Revised Code to establish a thoroughbred horsemen's health and retirement fund, forty-five per cent of that portion of that total sum of odd

cents shall be paid at the close of each racing day by the permit holder to ~~such that~~ corporation to establish and fund the health and retirement fund. Until ~~such that~~ corporation is formed, ~~such that~~ forty-five per cent shall be paid by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county in which the permit holder operates race meetings, at the close of each racing day. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

(I) In addition, each permit holder authorized to conduct quarter horse racing shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten, subject to a tax of twenty-five per cent on that portion of the total sum of such odd cents that is in excess of two thousand dollars during a calendar year, which tax shall be paid at the close of each racing day by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county within which the permit holder operates race meetings. Forty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for increased purse money for horse races. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

(J)(1) To encourage the improvement of racing facilities for the benefit of the public, breeders, and horse owners, and to increase the revenue to the state from the increase in pari-mutuel wagering resulting from ~~such those~~ improvements, the taxes paid by a permit holder to the state as provided for in this chapter shall be reduced by three-fourths of one per cent of the total amount wagered for those permit holders who make capital improvements to existing race tracks or construct new race tracks. The percentage of the reduction that may be taken each racing day shall equal seventy-five per cent of the ~~tax taxes~~ levied under divisions (B) and (C) of this section and section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code, as applicable, divided by the calculated amount each fund should receive under divisions (B) and (C) of this section and section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code and the reduction provided for in this division. If the resulting percentage is less than one, that percentage shall be multiplied by the amount of the reduction provided for in this division. Otherwise, the permit holder shall receive the full reduction provided for in this division. The amount of the allowable reduction not received shall be carried forward and applied against future tax liability. After any reductions expire, any reduction carried forward shall be treated as a reduction as

provided for in this division. ~~If~~

If more than one permit holder is authorized to conduct racing at the facility that is being built or improved, the cost of the new race track or capital improvement shall be allocated between or among all the permit holders in the ratio that the permit holders' number of racing days bears to the total number of racing days conducted at the facility. ~~Such~~

A reduction for a new race track or a capital improvement shall start from the day racing is first conducted following the date actual construction of the new race track or each capital improvement is completed and the construction cost has been ~~certified~~ approved by the racing commission, unless otherwise provided in this section. ~~Such~~ A reduction for a new race track or a capital improvement shall continue for a period of twenty-five years for new race tracks and for fifteen years for ~~new~~ capital improvements if the construction of the capital improvement or new race track commenced prior to March 29, 1988, and for a period of ten years for new race tracks or ~~new~~ capital improvements if the construction of the capital improvement or new race track commenced on or after March 29, 1988, but before the effective date of this amendment, or until the total tax reduction reaches seventy per cent of the approved cost of the new race track or ~~new~~ capital improvement, as allocated to each permit holder, whichever occurs first. ~~The tax~~ A reduction for a new race track or a capital improvement approved after the effective date of this amendment shall continue until the total tax reduction reaches one hundred per cent of the approved cost of the new race track or capital improvement, as allocated to each permit holder.

A reduction granted for ~~any~~ a new race track or a capital improvement, the application for which was approved by the racing commission after March 29, 1988, but before the effective date of this amendment, shall not commence nor shall the ten-year period begin to run until all prior tax reductions with respect to the same race track have ended. The total tax reduction because of capital improvements shall not during any one year exceed for all permit holders using any one track three-fourths of one per cent of the total amount wagered, regardless of the number of capital improvements made. Several capital improvements to a race track may be consolidated in an application if the racing commission approved the application prior to March 29, 1988. No permit holder may receive a tax reduction for a capital improvement approved by the racing commission on or after March 29, 1988, at a race track until all tax reductions have ended for all prior capital improvements approved by the racing commission under this section or section 3769.20 of the Revised Code at that race track. If there are two or more permit holders operating meetings at the same track,

they may consolidate their applications. The racing commission shall notify the tax commissioner when the ~~diminution~~ reduction of tax begins and when it ends. ~~Each~~

~~Each~~ fiscal year the racing commission shall submit a report to the tax commissioner, the office of budget and management, and the ~~legislative budget office of the~~ legislative service commission. The report shall identify each capital improvement project undertaken under this division and in progress at each race track, indicate the total cost of each ~~such~~ project, state the tax reduction that resulted from each ~~such~~ project during the immediately preceding fiscal year, estimate the tax reduction that will result from each ~~such~~ project during the current fiscal year, state the total tax reduction that resulted from all such projects at all race tracks during the immediately preceding fiscal year, and estimate the total tax reduction that will result from all such projects at all race tracks during the current fiscal year.

(2) In order to qualify for the reduction in tax, a permit holder shall apply to the racing commission in such form as the commission may require and shall provide full details of the new ~~racing~~ race track or capital improvement, including a schedule for its construction and completion, and set forth the costs and expenses incurred in connection ~~therewith~~ with it. The racing commission shall not approve an application unless the permit holder shows that a contract for the new race track or capital improvement has been let under an unrestricted competitive bidding procedure, unless the contract is exempted by the controlling board because of its unusual nature. In determining whether to approve an application, the racing commission shall consider whether the new race track or capital improvement will promote the safety, convenience, and comfort of the racing public and horse owners and generally tend towards the improvement of racing in this state.

(3) If a new race track or capital improvement is approved by the racing commission and construction has started, the tax ~~adjustment~~ reduction may be authorized by the commission upon presentation of copies of paid bills in excess of one hundred thousand dollars or ten per cent of the approved cost, whichever is greater. After the initial authorization, the permit holder shall present copies of paid bills. If the permit holder is in substantial compliance with the schedule for construction and completion of the new race track or capital improvement, the racing commission may authorize the continuation of the tax ~~adjustment~~ reduction upon the presentation of ~~such~~ the additional paid bills. The total amount of the tax ~~adjustment~~ reduction authorized shall not exceed ~~seventy per cent~~ the percentage of the approved cost of the new race track or capital improvement specified in division (J)(1) of this section.

The racing commission may terminate any tax ~~adjustment~~ reduction immediately if a permit holder fails to complete the new race track or capital improvement, or to substantially comply with the schedule for construction and completion of the new race track or capital improvement. If a permit holder fails to complete a new race track or capital improvement, the racing commission shall order the permit holder to repay to the state the total amount of tax reduced. The normal tax paid by the permit holder shall be increased by three-fourths of one per cent of the total amount wagered until the total amount of the additional tax collected equals the total amount of tax reduced.

(4) As used in this section, "~~capital~~":

(a) "Capital improvement" means an addition, replacement, or remodeling of a structural unit of a race track facility costing at least one hundred thousand dollars, including, but not limited to, the construction of barns used exclusively for ~~such~~ the race track facility, backstretch facilities for horsemen, paddock facilities, new pari-mutuel and totalizator equipment and appurtenances ~~thereto~~ to that equipment purchased by the track, new access roads, new parking areas, the complete reconstruction, reshaping, and leveling of the ~~race track~~ racing surface and appurtenances, the installation of permanent new heating or air conditioning, ~~and~~ roof replacement or restoration, installations of a permanent nature forming a part of the track structure, and construction of buildings that are located on a permit holder's premises. "Capital improvement" does not include the cost of replacement of equipment that is not permanently installed, ordinary repairs, painting, and maintenance required to keep a race track facility in ordinary operating condition. "~~New~~

(b) "New race track" ~~or "new racing track"~~ includes the reconstruction of a race track damaged by fire or other cause that has been declared by the racing commission, as a result of the damage, to be an inadequate facility for the safe operation of horse racing.

(c) "Approved cost" includes all debt service and interest costs that are associated with a capital improvement or new race track and that the racing commission approves for a tax reduction under division (J) of this section.

(5) The racing commission shall not approve an application for a tax reduction under this section if it has reasonable cause to believe that the actions or negligence of the permit holder substantially contributed to the damage suffered by the track due to fire or other cause. The racing commission shall obtain any data or information available from a fire marshal, law enforcement official, or insurance company concerning any fire or other damage suffered by a track, prior to approving an application

for a tax reduction.

(G) The approved cost ~~and expenses~~ to which a tax reduction applies shall be determined by generally accepted accounting principles and verified by an audit of the permit holder's records upon completion of the project by the racing commission, or by an independent certified public accountant selected by the permit holder and approved by the commission.

~~The tax reductions for capital improvements and new tracks provided for in this division apply only to tax reductions approved by the state racing commission prior to the effective date of this amendment.~~

(K) No other license or excise tax or fee, except as provided in sections 3769.01 to 3769.14 of the Revised Code, shall be assessed or collected from such licensee by any county, township, district, municipal corporation, or other body having power to assess or collect a tax or fee. That portion of the tax paid under this section by permit holders for racing conducted at and during the course of an agricultural exposition or fair, and that portion of the tax that would have been paid by eligible permit holders into the PASSPORT fund as a result of racing conducted at and during the course of an agricultural exposition or fair, shall be deposited into the state treasury to the credit of the horse racing tax fund, which is hereby created for the use of the agricultural societies of the several counties in which the taxes originate. The state racing commission shall determine eligible permit holders for purposes of the preceding sentence, taking into account the breed of horse, the racing dates, the geographic proximity to the fair, and the best interests of Ohio racing. On the first day of any month on which there is money in the fund, the ~~director of budget and management~~ tax commissioner shall provide for payment to the treasurer of each agricultural society the amount of the taxes collected under this section upon racing conducted at and during the course of any exposition or fair conducted by ~~such~~ the society.

(L) From the tax paid under this section by harness track permit holders, the tax commissioner shall pay into the Ohio thoroughbred race fund a sum equal to a percentage of the amount wagered upon which ~~such~~ the tax is paid. The percentage shall be determined by the tax commissioner and shall be rounded to the nearest one-hundredth. The percentage shall be such that, when multiplied by the amount wagered upon which tax was paid by the harness track permit holders in the most recent year for which final figures are available, it results in a sum that substantially equals the same amount of tax paid by the tax commissioner during that year into the Ohio fairs fund from taxes paid by thoroughbred permit holders. This division does not apply to county and independent fairs and agricultural societies.

(M) Twenty-five per cent of the taxes levied on ~~thoroughbred racing~~

thoroughbred racing permit holders, ~~harness racing~~ harness racing permit holders, and quarter horse racing permit holders under this section, division (A) of section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code shall be paid ~~to~~ into the PASSPORT fund. The tax commissioner shall pay any money remaining, ~~after the payment to~~ into the PASSPORT fund and the reductions provided for in division (J) of this section and in section 3769.20 of the Revised Code, into the Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred development fund, Ohio quarter horse fund, and state racing commission operating fund as prescribed in this section and division (A) of section 3769.087 of the Revised Code; ~~except that the state racing commission operating fund shall not receive more than two million five hundred thousand dollars in any calendar year.~~ The tax commissioner shall thereafter use and apply the balance of the money paid as a tax by any permit holder to cover any shortage in the accounts of such funds resulting from an insufficient payment as a tax by any other permit holder. The moneys received by the tax commissioner shall be deposited weekly and paid by the tax commissioner into the funds to cover the total aggregate amount due from all permit holders to the funds, as calculated under this section and division (A) of section 3769.087 of the Revised Code, as applicable. If, ~~after the payment to~~ into the PASSPORT fund, sufficient funds are not available from the tax deposited by the tax commissioner to pay the required ~~amount~~ amounts into the Ohio fairs fund, Ohio standardbred development fund, Ohio thoroughbred race fund, Ohio quarter horse fund, and the state racing commission operating fund, the tax commissioner shall prorate on a proportional basis the amount paid to each of the funds. Any shortage to the funds as a result of a proration shall be applied against future deposits for the same calendar year when funds are available. After this application, the tax commissioner shall pay any remaining money paid as a tax by all permit holders into the PASSPORT fund. ~~If the Ohio fairs fund does not receive two million five hundred thousand dollars in calendar year 1997 or 1998, the tax commissioner shall pay into the Ohio fairs fund, on a prorated basis, money that would have been paid into the Ohio thoroughbred race fund, Ohio standardbred development fund, Ohio quarter horse development fund, and state racing commission operating fund and the portion that was retained by the tracks the previous calendar year as a reduction provided for in division (J) of this section and section 3769.20 of the Revised Code until the previous year's deficiency is met. Each track that has an existing reduction shall increase its reduction credit balance by the amount determined by the tax commissioner that is needed to meet its prorated~~

~~portion of the Ohio fairs fund deficiency. The credit balance increase shall be paid to the tax commissioner as a tax.~~ This division does not apply to permit holders conducting racing at the course of an agricultural exposition or fair as described in division (K) of this section.

Sec. 3769.085. There is hereby created in the state treasury the Ohio standardbred development fund, to consist of moneys paid into it pursuant to section 3769.08 of the Revised Code and any fees assessed for or on behalf of the Ohio sires stakes races. All fees so assessed shall be exempt from the requirements of divisions (D) and (M) of section 3769.08 of the Revised Code. All investment earnings on the cash balance in the fund shall be credited to the fund. Moneys to the credit of the ~~Ohio standardbred development~~ fund shall be distributed on order of the state racing commission with the approval of the Ohio standardbred development commission.

The development commission shall consist of three members, all to be residents of this state knowledgeable in breeding and racing, to be appointed by the governor with the advice and consent of the senate. One member shall be a standardbred breeder, and one shall be a standardbred owner. Of the initial appointments, one member shall be appointed for a term ending June 30, 1977, and two members shall be appointed for terms ending June 30, 1979. Thereafter, appointments for other than unexpired terms shall be for four years. Terms shall begin the first day of July and end the thirtieth day of June. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of ~~such~~ that term. Any member shall continue in office subsequent to the expiration date of the member's term until a successor takes office. Members shall receive no compensation, except they shall be paid actual and necessary expenses from the Ohio standardbred development fund. The state racing commission shall also be reimbursed for actual expense approved by the development commission. The development commission may elect one member to serve as secretary.

Upon application not later than the first day of December from the harness tracks conducting races with pari-mutuel wagering, other than agricultural expositions and fairs, the development commission shall, after a hearing and not later than the twentieth day of January, allocate and approve all available moneys for colt races for two-year-old and three-year-old colts and fillies, both trotting and pacing. Separate races for fillies shall be provided at each age and gait. At least five races and a championship race shall be scheduled for each of the eight categories of age, sex, and gait. The allocations shall take into account the time of year that racing colts is

feasible, the equity and continuity of the proposed dates for racing the events, and the amounts to be added by the tracks, looking to the maximum benefit for those participating in the races. Representatives of the tracks and the Ohio harness horsemen's association shall be given an opportunity to be heard before the allocations are made. No races shall be contested earlier than the first day of May or later than the first day of November; all permit holders operating extended pari-mutuel meetings between ~~such~~ those dates shall be entitled to at least three races. No funds for a race shall be allocated to and paid to a permit holder by the development commission unless the permit holder adds at least twenty-five per cent to the amount allocated by the development commission, and not less than five thousand dollars to each race.

Colts and fillies eligible to the races shall be only those sired by a standardbred stallion that was registered with the state racing commission and stood in ~~Ohio~~ the state the entire breeding season of the year the colt or filly was conceived and fillies foaled before November 1, 1979, that are not so qualified but wholly owned by a resident or residents of ~~Ohio~~ the state on the first day of January of the year that such filly would be eligible to race as a two-year-old and also wholly owned by a resident or residents of ~~Ohio~~ the state on the date the race is contested.

If the development commission concludes that sufficient funds are available to add aged races without reducing purse levels of the colt and filly races, the development commission may allocate funds to four-year-old and five-year-old races of each sex and gait with Ohio eligibility required as set forth in this section.

The state racing commission may allocate an amount not to exceed five per cent of the total Ohio standardbred development fund available in any one calendar year to research projects directed toward improving the breeding, raising, racing, and health and soundness of horses in the state and toward education or promotion of the industry.

Sec. 3769.087. (A) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code, each permit holder shall retain an additional amount equal to four per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show, of which amount retained an amount equal to three per cent of the total of all moneys wagered on each racing day on ~~such~~ those pools shall be paid by check, draft, or money order to the tax commissioner, as a tax. Subject to the restrictions contained in divisions (B), (C), and (M) of section 3769.08 of the Revised Code, from such additional moneys paid to the tax commissioner:

(1) Four-sixths shall be ~~PASSPORT~~ allocated to fund distribution as provided in division (M) of section 3769.08 of the Revised Code;

(2) One-twelfth shall be paid into the Ohio fairs fund created by section 3769.082 of the Revised Code;

(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;

(4) One-twelfth of the additional moneys paid to the tax commissioner by harness horse racing permit holders shall be paid to the Ohio standardbred development fund created by section 3769.085 of the Revised Code;

(5) One-twelfth of the additional moneys paid to the tax commissioner by quarter horse racing permit holders shall be paid to the Ohio quarter horse development fund created by section 3769.086 of the Revised Code;

(6) One-sixth shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code.

The remaining one per cent that is retained of the total of all moneys wagered on each racing day on all pools other than win, place, and show, shall be retained by racing permit holders, and, except as otherwise provided in section 3769.089 of the Revised Code, racing permit holders shall use one-half for purse money and retain one-half.

(B) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit holder ~~may~~ shall retain, ~~upon notification to the state racing commission,~~ an additional amount equal to ~~not less than two one-half of one~~ one-half of one per cent ~~but not more than three per cent~~ of the total of all moneys wagered on each racing day on all wagering pools ~~designated by the permit holder that require three or more runner selections to complete the wager. If a permit holder retains an additional amount under this division that equals or exceeds two per cent of the total of all moneys wagered on a racing day on the wagering pools designated under this division, the permit holder shall pay by check, draft, or money order to the tax commissioner, as a tax, an amount equal to two per cent of the total of all moneys wagered on that racing day on those designated wagering pools. The tax commissioner shall deposit the amount of the tax received under this division in the PASSPORT fund. Any amount that is retained but not paid under this division to the tax commissioner as a tax~~ other than win, place, and show. From the additional amount retained under this division, each permit holder shall retain an amount equal to one-quarter of one per cent of the total of all

moneys wagered on each racing day on all pools other than win, place, and show and shall pay that amount by check, draft, or money order to the tax commissioner, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund created by section 3769.03 of the Revised Code.

The remaining one-quarter of one per cent that is retained from the total of all moneys wagered on each racing day on all pools other than win, place, and show shall be retained by the permit holder, and the permit holder shall use one-half for purse money and retain one-half.

Sec. 3769.20. (A) To encourage the renovation of existing racing facilities for the benefit of the public, breeders, and horse owners and to increase the revenue to the state from the increase in pari-mutuel wagering resulting from such improvement, the taxes paid by a permit holder to the state, in excess of the amount paid ~~to~~ into the PASSPORT fund, shall be reduced by one per cent of the total amount wagered for those permit holders who carry out a major capital improvement project. The percentage of the reduction that may be taken each racing day shall equal seventy-five per cent of the ~~tax~~ amount of the taxes levied under divisions (B) and (C) of section 3769.08, section 3769.087, and division (F)(2) of section 3769.26 of the Revised Code, as applicable, divided by the calculated amount each fund should receive under divisions (B) and (C) of section 3769.08, section 3769.087, and division (F)(2) of section 3769.26 of the Revised Code and the reduction provided for in this section. If the resulting percentage is less than one, that percentage shall be multiplied by the amount of the reduction provided for in this section. Otherwise, the permit holder shall receive the full reduction provided for in this section. The amount of the allowable reduction not received shall be carried forward and added to any other reduction balance and applied against future tax liability. After any reductions expire, any reduction carried forward shall be treated as a reduction as provided for in this section. If the amount of allowable ~~abatement~~ reduction exceeds the amount of taxes derived from a permit holder, the amount of the allowable ~~abatement~~ reduction not used may be carried forward and applied against future tax liability. ~~If~~

If more than one permit holder is authorized to conduct racing at the facility that is being improved, the cost of the major capital improvement project shall be allocated between or among all the permit holders in the ratio that each permit holder's number of racing days bears to the total number of racing days conducted at the facility. ~~Such~~

A reduction for a major capital improvement project shall start from the day racing is first conducted following the date on which the major capital

improvement project is completed and the construction cost has been ~~certified~~ approved by the state racing commission, except as otherwise provided in division (E) of this section, and shall continue until the total tax reduction equals the cost of the major capital improvement project plus debt service applicable to the project. In no event, however, shall any tax reduction, excluding any reduction balances, be permitted under this section after December 31, 2014. The total tax reduction because of the major capital improvement project shall not during any one year exceed for all permit holders using any one track, one per cent of the total amount wagered. The racing commission shall notify the tax commissioner when the ~~diminution~~ reduction of tax begins and when it ends.

(B) Each fiscal year, the racing commission shall submit a report to the tax commissioner, the office of budget and management, and the ~~legislative budget office of the~~ legislative service commission. The report shall identify each capital improvement project undertaken under this section and in progress at each race track, indicate the total cost of each ~~such~~ project, state the tax reduction that resulted from each ~~such~~ project during the immediately preceding fiscal year, estimate the tax reduction that will result from each ~~such~~ project during the current fiscal year, state the total tax reduction that resulted from all such projects at all race tracks during the immediately preceding fiscal year, and estimate the total tax reduction that will result from all such projects at all race tracks during the current fiscal year.

(C) The tax reduction granted pursuant to this section shall be in addition to any tax reductions for capital improvements and new race tracks provided for in section 3769.08 of the Revised Code and approved by the racing commission ~~prior to March 29, 1988~~.

(D) In order to qualify for the reduction in tax, a permit holder shall apply to the racing commission in such form as the commission may require and shall provide full details of the major capital improvement project, including plans and specifications, a schedule for the project's construction and completion, and a breakdown of proposed costs. In addition, the permit holder shall have commenced construction of the major capital improvement project or shall have had the application for the project approved by the racing commission prior to March 29, 1988. The racing commission shall not approve an application unless the permit holder shows that a contract for the major capital improvement project has been let under an unrestricted competitive bidding procedure, unless the contract is exempted by the controlling board because of its unusual nature. In determining whether to approve an application, the racing commission shall consider whether the

major capital improvement project will promote the safety, convenience, and comfort of the racing public and horse owners and generally tend toward the improvement of racing in this state.

(E) If the major capital improvement project is approved by the racing commission and construction has started, the tax ~~adjustment~~ reduction may be authorized by the commission upon presentation of copies of paid bills in excess of five hundred thousand dollars. After the initial authorization, the permit holder shall present copies of paid bills in the amount of not less than five hundred thousand dollars. If the permit holder is in substantial compliance with the schedule for construction and completion of the major capital improvement project, the racing commission may authorize the continuance of the tax ~~adjustment~~ reduction upon the presentation of ~~such~~ the additional paid bills in increments of five hundred thousand dollars. The racing commission may terminate the tax ~~adjustment~~ reduction if a permit holder fails to complete the major capital improvement project or fails to comply substantially with the schedule for construction and completion of the major capital improvement project. If the time for completion of the major capital improvement project is delayed by acts of God, strikes, or the unavailability of labor or materials, the time for completion as set forth in the schedule shall be extended by the period of the delay. If a permit holder fails to complete the major capital improvement project, the racing commission shall order the permit holder to repay to the state the total amount of tax reduced, unless the permit holder has spent at least six million dollars on the project. The normal tax paid by the permit holder under section 3769.08 of the Revised Code shall be increased by one per cent of the total amount wagered until the total amount of the additional tax collected equals the total amount of tax reduced. Any action taken by the racing commission pursuant to this section in terminating the tax adjustment or requiring repayment of the amount of tax reduced shall be subject to Chapter 119. of the Revised Code.

(F) As used in this section, "major capital improvement project" means the renovation, reconstruction, or remodeling, costing at least six million dollars, of a race track facility, including, but not limited to, the construction of barns used exclusively for that race track facility, backstretch facilities for horsemen, paddock facilities, pari-mutuel and totalizator equipment and appurtenances to that equipment purchased by the track, new access roads, new parking areas, the complete reconstruction, reshaping, and leveling of the ~~race track~~ racing surface and appurtenances, grandstand enclosure, installation of permanent new heating or air conditioning, roof replacement, and installations of a permanent nature forming a part of the track structure.

(G) The cost and expenses to which the tax reduction granted under this section applies shall be determined by generally accepted accounting principles and be verified by an audit of the permit holder's records, upon completion of the major capital improvement project, either by the racine commission or by an independent certified public accountant selected by the permit holder and approved by the commission.

(H) This section and section 3769.201 of the Revised Code govern any tax reduction granted to a permit holder for the cost to the permit holder of any cleanup, repair, or improvement required as a result of damage caused by the 1997 Ohio river flood to the place, track, or enclosure for which the permit is issued.

Sec. 3770.06. (A) There is hereby created the state lottery gross revenue fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All gross revenues received from sales of lottery tickets, fines, fees, and related proceeds shall be deposited into the fund. The treasurer of state shall invest any portion of the fund not needed for immediate use in the same manner as, and subject to all provisions of law with respect to the investment of, state funds. The treasurer of state shall disburse money from the fund on order of the director of the state lottery commission or the director's designee. All revenues of the state lottery gross revenue fund that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not paid to lottery sales agents in the form of ~~agent~~ bonuses, commissions, or reimbursements, and that are not paid to financial institutions to reimburse ~~such~~ those institutions for sales agent nonsufficient funds shall be transferred to the state lottery fund, which is hereby created in the state treasury. All investment earnings of the fund shall be credited to the fund. Moneys shall be disbursed from the ~~state lottery~~ fund pursuant to vouchers approved by the director ~~of the state lottery commission~~. Total disbursements for monetary prize awards to holders of winning lottery tickets and purchases of goods and services awarded as prizes to holders of winning lottery tickets shall be of an amount equal to at least fifty per cent of the total revenue accruing from the sale of lottery tickets.

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, there is hereby established in the state treasury the lottery profits education fund. Whenever, in the judgment of the director of budget and management, the amount to the credit of the state lottery fund is in excess of that needed to meet the maturing obligations of the commission and as working capital for its further operations, the director shall transfer the excess to the lottery profits education fund, ~~provided that the amount to be transferred into the~~

~~lottery profits education fund shall equal no less than thirty per cent of the total revenue accruing from the sale of lottery tickets.~~ Investment earnings of the lottery profits education fund shall be credited to the fund. There shall also be credited to the fund any repayments of moneys loaned from the educational excellence investment fund. The lottery profits education fund shall be used solely for the support of elementary, secondary, vocational, and special education programs as determined in appropriations made by the general assembly, or as provided in applicable bond proceedings for the payment of debt service on obligations issued to pay costs of capital facilities, including those for a system of common schools throughout the state pursuant to section 2n of Article VIII, Ohio Constitution. When determining the availability of money in the lottery profits education fund, the director of budget and management may consider all balances and estimated revenues of the fund.

From the amounts that the director of budget and management transfers in any fiscal year from the state lottery fund to the lottery profits education fund, the director shall transfer the initial ten million dollars of ~~such~~ those amounts from the lottery profits education fund to the school building program bond service fund created in division (Q) of section 3318.26 of the Revised Code to be pledged for the purpose of paying bond service charges as defined in division (C) of section 3318.21 of the Revised Code on one or more issuances of obligations, which obligations are issued to provide moneys for the school building program assistance fund created in section 3318.25 of the Revised Code.

(C) There is hereby established in the state treasury the deferred prizes trust fund. With the approval of the director of budget and management, an amount sufficient to fund annuity prizes shall be transferred from the state lottery fund and credited to the trust fund. The treasurer of state shall credit all earnings arising from investments purchased under this division to the fund. Within sixty days after the end of each fiscal year, the director of budget and management shall certify the amount of investment earnings necessary to have been credited to the trust fund during the fiscal year just ending to provide for continued funding of deferred prizes. Any earnings credited in excess of this certified amount shall be transferred to the lottery profits education fund. To provide all or a part of the amounts necessary to fund deferred prizes awarded by the commission, the treasurer of state, in consultation with the commission, may invest moneys contained in the deferred prizes trust fund in obligations of the type permitted for the investment of state funds but whose maturities are thirty years or less. Investments of the deferred prizes trust fund are not subject to the provisions

of division (A)(10) of section 135.143 of the Revised Code limiting to five per cent the amount of the state's total average portfolio that may be invested in debt interests and limiting to one-half of one per cent the amount that may be invested in debt interests of a single issuer.

All purchases made under this division shall be effected on a delivery versus payment method and shall be in the custody of the treasurer of state.

The treasurer of state may retain an investment advisor, if necessary. The commission shall pay any costs incurred by the treasurer of state in retaining an investment advisor.

(D) The auditor of state shall conduct annual audits of all funds and ~~such~~ any other audits as the auditor of state or the general assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and ~~such~~ records of lottery sales agents ~~as that~~ as that pertain to their activities as agents, for purposes of conducting authorized audits.

The state lottery commission shall establish an internal audit program before the beginning of each fiscal year, subject to the approval of the auditor of state. At the end of each fiscal year, the commission shall prepare and submit an annual report to the auditor of state for the auditor of state's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit program. The form and content of the report shall be prescribed by the auditor of state under division (C) of section 117.20 of the Revised Code.

(E) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division ~~(E) of this section~~ are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of this section.

Sec. 3773.56. The Ohio athletic commission may appoint an executive director and employ such persons as are necessary to administer sections 3773.31 to 3773.57 and Chapter 4771. of the Revised Code and fix their compensation. Such executive director and employees shall serve in the unclassified status and at the pleasure of the commission.

All receipts received by the commission under sections 3773.31 to 3773.57 ~~and Chapter 4771.~~ of the Revised Code shall be deposited in the

occupational licensing and regulatory fund. All vouchers of the commission shall be approved by the chairperson of the commission.

Sec. 3793.04. The department of alcohol and drug addiction services shall develop, administer, and revise as necessary a comprehensive statewide alcohol and drug addiction services plan for the implementation of this chapter. The plan shall emphasize abstinence from the use of alcohol and drugs of abuse as the primary goal of alcohol and drug addiction services. The council on alcohol and drug addiction services shall advise the department in the development and implementation of the plan.

The plan shall provide for the allocation of state and federal funds for service furnished by alcohol and drug addiction programs under contract with boards of alcohol, drug addiction, and mental health services and for distribution of the funds to such boards. The plan shall specify the methodology that the department will use for determining how funds will be allocated and distributed. A portion of the funds shall be allocated on the basis of the ratio of the population of each alcohol, drug addiction, and mental health service district to the total population of the state ~~as~~. The portion of the funds allocated on that basis for a fiscal year shall be not less than the average of the amount that was allocated on that basis the three previous fiscal years. The ratio shall be determined from the most recent federal census or the most recent official estimate made by the United States census bureau, whichever is more recent.

The plan shall ensure that alcohol and drug addiction services of a high quality are accessible to, and responsive to the needs of, all persons, especially those who are members of underserved groups, including, but not limited to, African Americans, Hispanics, native Americans, Asians, juvenile and adult offenders, women, and persons with special services needs due to age or disability. The plan shall include a program to promote and protect the rights of those who receive services.

To aid in formulating the plan and in evaluating the effectiveness and results of alcohol and drug addiction services, the department, in consultation with the department of mental health, shall establish and maintain an information system. The department of alcohol and drug addiction services shall specify the information that must be provided by boards of alcohol, drug addiction, and mental health services and by alcohol and drug addiction programs for inclusion in the system. The department shall not collect any information for the purpose of identifying by name any person who receives a service through a board, except as required by the state or federal law to validate appropriate reimbursement.

In consultation with boards, programs, and persons receiving services,

the department shall establish guidelines for the use of state and federal funds and for the boards' development of plans for services required by sections 340.033 and 3793.05 of the Revised Code.

In any fiscal year, the department shall spend, or allocate to boards, for methadone maintenance programs or any similar programs not more than eight per cent of the total amount appropriated to the department for the fiscal year.

Sec. 3902.23. Beginning one hundred eighty days after rules adopted under section 3902.22 of the Revised Code take effect, no third-party payer shall fail to use the standard claim form and proof of loss prescribed in those rules, ~~except as provided in section 3729.15 of the Revised Code.~~

Sec. 3923.28. (A) Every policy of group sickness and accident insurance providing hospital, surgical, or medical expense coverage for other than specific diseases or accidents only, and delivered, issued for delivery, or renewed in this state on or after January 1, 1979, and that provides coverage for mental or emotional disorders, shall provide benefits for services on an outpatient basis for each eligible person under the policy who resides in this state for mental or emotional disorders, or for evaluations, that are at least equal to five hundred fifty dollars in any calendar year or twelve-month period. The services shall be legally performed by or under the clinical supervision of a licensed physician or licensed psychologist, whether performed in an office, in a hospital, or in a community mental health facility so long as the hospital or community mental health facility is approved by the joint commission on accreditation of healthcare organizations, the council on accreditation for children and family services, the rehabilitation accreditation commission, or, until two years after the effective date of this amendment, certified by the department of mental health as being in compliance with standards established under division ~~(F)~~(H) of section 5119.01 of the Revised Code.

~~(B) For purposes of this section "community mental health facility" means a facility approved by a regional health planning agency or a facility providing services under a board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code, except that where a board provides direct community mental health service, the approval of such a board, as to the adequacy of a specific program of such services that it provides as a community mental health facility shall be by the director of mental health.~~

~~(C)~~ Outpatient benefits offered under division (A) of this section shall be subject to reasonable contract limitations and may be subject to reasonable deductibles and co-insurance costs. Persons entitled to such

benefit under more than one service or insurance contract may be limited to a single five-hundred-fifty-dollar outpatient benefit for services under all contracts.

~~(D)~~(C) In order to qualify for participation under division (A) of this section, every facility specified in such division shall have in effect a plan for utilization review and a plan for peer review and every person specified in such division shall have in effect a plan for peer review. Such plans shall have the purpose of ensuring high quality patient care and effective and efficient utilization of available health facilities and services.

~~(E)~~(D) Nothing in this section shall be construed to require an insurer to pay benefits which are greater than usual, customary, and reasonable.

~~(F)~~(E)(1) 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:

(a) The services shall be performed in accordance with a treatment plan that describes the expected duration, frequency, and type of services to be performed;

(b) The plan shall be reviewed and approved by a licensed physician or licensed psychologist every three months.

(2) Payment of benefits for services reimbursable under division ~~(F)~~(E)(1) of this section shall not be restricted to services described in the treatment plan or conditioned upon standards of clinical supervision that are more restrictive than standards of a licensed physician or licensed psychologist, which at least equal the requirements of division ~~(F)~~(E)(1) of this section.

Sec. 3923.29. (A) Every policy of group sickness and accident insurance providing hospital, surgical, or medical expense coverage for other than specific diseases or accidents only, and delivered, issued for delivery, or renewed in this state on or after January 1, 1979, shall provide for each eligible person under the policy who resides in this state, outpatient, inpatient, and intermediate primary care benefits for alcoholism that are at least equal to five hundred fifty dollars in any calendar year or twelve month period. The services shall be legally performed by or under the clinical supervision of a licensed physician or a licensed psychologist, whether performed in an office, in a hospital, in a community mental health facility, or in an 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.

~~(B) For purposes of this section "community mental health facility" means a facility as defined in section 3923.28 of the Revised Code.~~

~~(C)~~ The benefits mandated by division (A) of this section shall be subject to reasonable contract limitations and may be subject to reasonable deductibles and co-insurance costs. Persons entitled to such benefit under more than one service or insurance contract may be limited to a single five hundred fifty dollar benefit for services under all contracts.

~~(D)~~(C) For an eligible person, who receives treatment for alcoholism from an approved or certified alcoholism treatment facility, to remain entitled to the benefits mandated by division (A) of this section, a licensed physician or a licensed psychologist shall every three months certify that such person needs to continue utilizing such treatment.

~~(E)~~(D) In order to qualify for participation under division (A) of this section, every facility specified in such division shall have in effect a plan for utilization review and a plan for peer review and every person specified in such division shall have in effect a plan for peer review. Such plans shall have the purpose of ensuring high quality patient care and effective and efficient utilization of available health facilities and services. Such person or facility shall also have in effect a program of rehabilitation or a program of rehabilitation and detoxification.

~~(F)~~(E) Nothing in this section shall be construed to require an insurer to pay benefits which are greater than usual, customary, and reasonable.

Sec. 3923.30. Every person, the state and any of its instrumentalities, any county, township, school district, or other political subdivisions and any of its instrumentalities, and any municipal corporation and any of its instrumentalities, which provides payment for health care benefits for any of its employees resident in this state, which benefits are not provided by contract with an insurer qualified to provide sickness and accident insurance, or a health insuring corporation, shall include the following benefits in its plan of health care benefits commencing on or after January 1, 1979:

(A) If such plan of health care benefits provides payment for the treatment of mental or nervous disorders, then such plan shall provide benefits for services on an outpatient basis for each eligible employee and dependent for mental or emotional disorders, or for evaluations, 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 a licensed psychologist, whether performed in an office, in a hospital, or in a community mental health facility so long as the

hospital or community mental health facility is approved by the joint commission on accreditation of ~~hospitals~~ healthcare organizations, the council on accreditation for children and family services, the rehabilitation accreditation commission, or, until two years after the effective date of this amendment, certified by the department of mental health as being in compliance with standards established under division ~~(F)~~(H) of section 5119.01 of the Revised Code;

(2) Such benefit shall be subject to reasonable limitations, and may be subject to reasonable deductibles and co-insurance costs.

(3) In order to qualify for participation under this division, every facility specified in this division shall have in effect a plan for utilization review and a plan for peer review and every person specified in this division shall have in effect a plan for peer review. Such plans shall have the purpose of ensuring high quality patient care and effective and efficient utilization of available health facilities and services.

(4) Such payment for benefits shall not be greater than usual, customary, and reasonable.

(5) ~~For purposes of this division, "community mental health facility" means a facility as defined in section 3923.28 of the Revised Code.~~

~~(6)~~(a) Services performed under the clinical supervision of a licensed physician or licensed psychologist, in order to be reimbursable under the coverage required in division (A) of this section, shall meet both of the following requirements:

(i) The services shall be performed in accordance with a treatment plan that describes the expected duration, frequency, and type of services to be performed;

(ii) The plan shall be reviewed and approved by a licensed physician or licensed psychologist every three months.

(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 three months certify a patient's need for continued services performed by such facilities.

(4) In order to qualify for participation under this division, every facility specified in this division shall have in effect a plan for utilization review and a plan for peer review and every person specified in this division shall have in effect a plan for peer review. Such plans shall have the purpose of ensuring high quality patient care and efficient utilization of available health facilities and services. Such person or facilities shall also have in effect a program of rehabilitation or a program of rehabilitation and detoxification.

(5) Nothing in this section shall be construed to require reimbursement for benefits which is greater than usual, customary, and reasonable.

Sec. 4105.17. (A) The fee for any inspection, or attempted inspection that, due to no fault of a general inspector or the division of industrial compliance, is not successfully completed, by a general inspector of an elevator required to be inspected under this chapter is thirty dollars plus five dollars for each floor where the elevator stops. The superintendent of the division of industrial compliance may assess a fee of ~~thirty one hundred~~ twenty-five dollars plus five dollars for each floor where an elevator stops for the reinspection of an elevator when a previous attempt to inspect that elevator has been unsuccessful through no fault of a general inspector or the division of industrial compliance. The fee for issuing or renewing a certificate of operation under section 4105.15 of the Revised Code is thirty-five dollars.

(B) All other fees to be charged for any examination given or other service performed by the division of industrial compliance pursuant to this chapter shall be prescribed by the board of building standards established by section 3781.07 of the Revised Code. The fees shall be reasonably related to the costs of such examination or other service.

(C) The board of building standards, subject to the approval of the controlling board, may establish fees in excess of the fees provided in division (A) of this section, provided that the fees do not exceed the amounts established in division (A) of this section by more than fifty per cent. Any moneys collected under this section shall be paid into the state

treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(D) Any person who fails to pay an inspection fee required for any inspection conducted by the division pursuant to this chapter within forty-five days after the inspection is conducted shall pay a late payment fee equal to twenty-five per cent of the inspection fee.

(E) In addition to the fee assessed in division (A) of this section, the board of building standards shall assess a fee of three dollars and twenty-five cents for each certificate of operation or renewal thereof issued under division (A) of this section and for each permit issued under section 4105.16 of the Revised Code. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner by which the superintendent of the division of industrial compliance shall collect and remit to the board the fees assessed under this division and requiring that remittance of the fees be made at least quarterly.

Sec. 4115.10. (A) No person, firm, corporation, or public authority that constructs a public improvement with its own forces, the total overall project cost of which is fairly estimated to be more than the amounts set forth in division (B)(1) or (2) of section 4115.03 of the Revised Code, adjusted biennially by the director of commerce pursuant to section 4115.034 of the Revised Code, shall violate the wage provisions of sections 4115.03 to 4115.16 of the Revised Code, or suffer, permit, or require any employee to work for less than the rate of wages so fixed, or violate the provisions of section 4115.07 of the Revised Code. Any employee upon any public improvement, except an employee to whom or on behalf of whom restitution is made pursuant to division (C) of section 4115.13 of the Revised Code, who is paid less than the fixed rate of wages applicable thereto may recover from such person, firm, corporation, or public authority that constructs a public improvement with its own forces the difference between the fixed rate of wages and the amount paid to the employee and in addition thereto a sum equal to twenty-five per cent of that difference. The person, firm, corporation, or public authority who fails to pay the rate of wages so fixed also shall pay a penalty to the director of seventy-five per cent of the difference between the fixed rate of wages and the amount paid to the employees on the public improvement. The director shall deposit all moneys received from penalties paid to the director pursuant to this section into the penalty enforcement fund, which is hereby created. ~~The penalty enforcement fund shall be in the custody of the treasurer of state but shall not be part of the state treasury.~~ The director shall use the fund for the enforcement of sections 4115.03 to 4115.16 of the Revised Code. The

employee may file suit for recovery within sixty days of the director's determination of a violation of sections 4115.03 to 4115.16 of the Revised Code or is barred from further action under this division. Where the employee prevails in a suit, the employer shall pay the costs and reasonable attorney's fees allowed by the court.

(B) Any employee upon any public improvement who is paid less 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, representation, or understanding that failure to comply with such request or demand will prevent the procuring or retaining of employment, and no person shall, directly or indirectly, aid, request, or authorize any other person to violate this section. This division does not apply to any agent or representative of a duly constituted labor organization acting in the collection of dues or assessments of such organization.

(E) The director shall enforce sections 4115.03 to 4115.16 of the Revised Code.

(F) For the purpose of supplementing existing resources and to assist in enforcing division (E) of this section, the director may contract with a person registered as a public accountant under Chapter 4701. of the Revised Code to conduct an audit of a person, firm, corporation, or public authority.

Sec. 4117.102. The state employment relations board shall compile a list of the school districts in the state that have filed with the board agreements entered into with teacher employee organizations under this chapter. The board shall annually update the list to reflect, for each district, for the current fiscal year, the starting salary in the district for teachers with no prior teaching experience who hold bachelors degrees. The board shall send a copy of each annually updated list to the state board of education.

Sec. 4121.44. (A) The administrator of workers' compensation shall oversee the implementation of the Ohio workers' compensation qualified health plan system as established under section 4121.442 of the Revised Code.

(B) The administrator shall direct the implementation of the health partnership program administered by the bureau as set forth in section 4121.441 of the Revised Code. To implement the health partnership program, the bureau:

(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;

(2) May recertify external vendors for additional periods of two years; and

(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.

(C) Any vendor selected shall demonstrate all of the following:

(1) Arrangements and reimbursement agreements with a substantial number of the medical, professional and pharmacy providers currently being utilized by claimants.

(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.

(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.

(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.

(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.

(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.

(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.

(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."

(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.

(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.

(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 information may be tabulated and published by the bureau in statistical form for the use and information of other state departments and the public. No employee of the bureau, except as otherwise authorized by the administrator, shall divulge any information secured by the employee while in the employ of the bureau in respect to a vendor's application for certification or in respect to the business or other

rade processes of any vendor to any person other than the administrator or to the employee's superior.

(2) Notwithstanding the restrictions imposed by division (D)(1) of this section, the governor, members of select or standing committees of the senate or house of representatives, the auditor of state, the attorney general, or their designees, pursuant to the authority granted in this chapter and Chapter 4123. of the Revised Code, may examine any vendor application or other information furnished to the bureau by the vendor. None of those individuals shall divulge any information secured in the exercise of that authority in respect to a vendor's application for certification or in respect to the business or other trade processes of any vendor to any person.

(E) On and after January 1, 2001, a vendor shall not be any insurance company holding a certificate of authority issued pursuant to Title XXXIX of the Revised Code or any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code.

(F) The administrator may limit freedom of choice of health care provider or supplier by requiring, beginning with the period set forth in division (B)(1) or (2) of this section, that claimants shall pay an appropriate out-of-plan copayment for selecting a medical provider not within the health partnership program as provided for in this section.

(G) The administrator, six months prior to the expiration of the bureau's certification or recertification of the vendor or vendors as set forth in division (B)(1) or (2) of this section, may certify and provide evidence to the governor, the speaker of the house of representatives, and the president of the senate that the existing bureau staff is able to match or exceed the performance and outcomes of the external vendor or vendors and that the bureau should be permitted to internally administer the health partnership program upon the expiration of the certification or recertification as set forth in division (B)(1) or (2) of this section.

(H) The administrator shall establish and operate a bureau of workers' compensation health care data program. ~~The administrator may contract with the Ohio health care data center for such purposes.~~ The administrator shall develop reporting requirements from all employees, employers and medical providers, medical vendors, and plans that participate in the workers' compensation system. The administrator shall do all of the following:

(1) Utilize the collected data to measure and perform comparison analyses of costs, quality, appropriateness of medical care, and effectiveness of medical care delivered by all components of the workers' compensation system.

(2) Compile data to support activities of the selected vendor or vendors and to measure the outcomes and savings of the health partnership program.

(3) Publish and report compiled data to the governor, the speaker of the house of representatives, and the president of the senate on the first day of each January and July, the measures of outcomes and savings of the health partnership program and the qualified health plan system. The administrator shall protect the confidentiality of all proprietary pricing data.

(I) Any rehabilitation facility the bureau operates is eligible for inclusion in the Ohio workers' compensation qualified health plan system or the health partnership program under the same terms as other providers within health care plans or the program.

(J) In areas outside the state or within the state where no qualified health plan or an inadequate number of providers within the health partnership program exist, the administrator shall permit employees to use a nonplan or nonprogram health care provider and shall pay the provider for the services or supplies provided to or on behalf of an employee for an injury or occupational disease that is compensable under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code on a fee schedule the administrator adopts.

(K) No certified health care provider shall charge, assess, or otherwise attempt to collect from an employee, employer, a managed care organization, or the bureau any amount for covered services or supplies that is in excess of the allowed amount paid by a managed care organization, the bureau, or a qualified health plan.

(L) The administrator shall permit any employer or group of employers who agree to abide by the rules adopted under this section and sections 4121.441 and 4121.442 of the Revised Code to provide services or supplies to or on behalf of an employee for an injury or occupational disease that is compensable under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code through qualified health plans of the Ohio workers' compensation qualified health plan system pursuant to section 4121.442 of the Revised Code or through the health partnership program pursuant to section 4121.441 of the Revised Code. No amount paid under the qualified health plan system pursuant to section 4121.442 of the Revised Code by an employer who is a state fund employer shall be charged to the employer's experience or otherwise be used in merit-rating or determining the risk of that employer for the purpose of the payment of premiums under this chapter, and if the employer is a self-insuring employer, the employer shall not include that amount in the paid compensation the employer reports under section 4123.35 of the Revised Code.

Sec. 4123.27. Information contained in the annual statement provided for in section 4123.26 of the Revised Code, and such other information as may be furnished to the bureau of workers' compensation by employers in pursuance of that section, is for the exclusive use and information of the bureau in the discharge of its official duties, and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the bureau is a party to the action or proceeding; but the information contained in the statement may be tabulated and published by the bureau in statistical form for the use and information of other state departments and the public. No person in the employ of the bureau, except those who are authorized by the administrator of workers' compensation, shall divulge any information secured by the person while in the employ of the bureau in respect to the transactions, property, claim files, records, or papers of the bureau or in respect to the business or mechanical, chemical, or other industrial process of any company, firm, corporation, person, association, partnership, or public utility to any person other than the administrator or to the superior of such employee of the bureau.

Notwithstanding the restrictions imposed by this section, the governor, select or standing committees of the general assembly, the auditor of state, the attorney general, or their designees, pursuant to the authority granted in this chapter and Chapter 4121. of the Revised Code, may examine any records, claim files, or papers in possession of the industrial commission or the bureau. They also are bound by the privilege that attaches to these papers.

The administrator shall report to the director of job and family services or to the county director of job and family services the name, address, and social security number or other identification number of any person receiving workers' compensation whose name or social security number or other identification number is the same as that of a person required by a court or child support enforcement agency to provide support payments to a recipient or participant of public assistance, and whose name is submitted to the administrator by the director under section 5101.36 of the Revised Code. The administrator also shall inform the director of the amount of workers' compensation paid to the person during such period as the director specifies.

Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients or participants of public assistance pursuant to section 5101.181 of the Revised Code, the administrator shall inform the auditor of state of the name, current or most recent address, and social security number of each person receiving workers' compensation pursuant to this chapter whose name and social

security number are the same as that of a person whose name or social security number was submitted by the director. The administrator also shall inform the auditor of state of the amount of workers' compensation paid to the person during such period as the director specifies.

The bureau and its employees, except for purposes of furnishing the auditor of state with information required by this section, shall preserve the confidentiality of recipients or participants of public assistance in compliance with division (A) of section 5101.181 of the Revised Code.

For the purposes of this section, "public assistance" means medical assistance provided through the medical assistance program established under section 5111.01 of the Revised Code, Ohio works first provided under Chapter 5107. of the Revised Code, prevention, retention, and contingency ~~assistance~~ benefits and services provided under Chapter 5108. of the Revised Code, or disability assistance provided under Chapter 5115. of the Revised Code.

Sec. 4301.12. The division of liquor control shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by it or any of its employees or agents prior to paying them to the treasurer of state as provided by section 113.08 of the Revised Code.

A sum equal to three dollars and thirty-eight cents for each gallon of spirituous liquor sold by the division during the period covered by the payment shall be paid into the state treasury to the credit of the general revenue fund. All moneys received from permit fees shall be paid to the credit of the undivided liquor permit fund established by section 4301.30 of the Revised Code.

Except as otherwise provided by law, all moneys collected under Chapters 4301. and 4303. of the Revised Code shall be paid by the division into the state treasury to the credit of the liquor control fund, which is hereby created. Amounts in the liquor control fund may be used to pay the operating expenses of the liquor control commission.

Whenever, in the judgment of the director of budget and management, the amount in ~~the custody of the treasurer of state to the credit~~ of the liquor control fund is in excess of that needed to meet the maturing obligations of the division, as working capital for its further operations ~~and~~, to pay the operating expenses of the commission, and ~~as required~~ for the alcohol testing program under section 3701.143 of the Revised Code, the director shall transfer the excess to the ~~state treasury to the credit~~ of the general revenue fund.

Sec. 4301.17. (A) Subject to local option as provided in sections 4301.32 to 4301.40 of the Revised Code, five state liquor stores or agencies

may be established in each county. One additional store may be established in any county for each thirty thousand of population of ~~such that~~ county or major fraction thereof in excess of the first forty thousand, according to the last preceding federal census. A person engaged in a mercantile business may act as the agent for the division of liquor control for the sale of spirituous liquor in a municipal corporation, in the unincorporated area of a township of not less than two thousand population, or in an area designated and approved as a resort area under section 4303.262 of the Revised Code, provided that not more than one agency contract shall be awarded in the unincorporated area of a county for each fifty thousand population of the county. The division shall fix the compensation for such an agent in ~~such the~~ manner as it ~~deems~~ considers best, but ~~such the~~ compensation shall not exceed seven per cent of the gross sales made by ~~such the~~ agent in any one year.

Except as otherwise provided in this section, no mercantile business that sells beer or intoxicating liquor for consumption on the premises under a permit issued by the division shall operate an agency store at ~~such the~~ premises or at any adjacent premises. An agency to which a D-1 permit has been issued may offer for sale tasting samples of beer, an agency to which a D-2 permit has been issued may offer for sale tasting samples of wine and mixed beverages, and an agency to which a D-5 permit has been issued may offer for sale tasting samples of beer, wine, and mixed beverages, but not spirituous liquor. A tasting sample shall not be sold for the purpose of general consumption. As used in this section, "tasting sample" means a small amount of beer, wine, or mixed beverages that is provided in not more than four servings of not more than two ounces each to an authorized purchaser and that allows the purchaser to determine, by tasting only, the quality and character of the beverage.

(B) When an agency contract is proposed or when an existing agency contract is assigned, before entering into any ~~such~~ contract or consenting to any assignment, the division shall notify the legislative authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract or assignment, and an opportunity shall be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the ~~agency~~ contract or consenting to the assignment. When the division sends notice to the legislative authority of the political subdivision,

the department shall notify, by certified mail or by personal service, the chief peace officer of the political subdivision, who may appear and testify, either in person or through a representative, at any hearing held on the advisability of entering into the ~~agency contract~~ or consenting to the assignment.

~~On or after July 21, 1986, if~~ If the proposed agency store would be located within five hundred feet of a school, church, library, public playground, or township park, the division shall not enter into an agency contract until it has provided notice of the proposed contract to the authorities in control of the school, church, library, public playground, or township park and has provided ~~such officials~~ those authorities with an opportunity for a complete hearing upon the advisability of entering into the contract. If an agency store so located is operating under an agency contract, the division may consent to the assignment of that contract to operate an agency store at the same location, ~~provided that~~ but the division shall not consent to an assignment until it has notified the authorities in control of the school, church, library, public playground, or township park and has provided ~~such officials~~ those authorities with an opportunity for a complete hearing upon the advisability of consenting to the assignment.

Any hearing provided for in this division shall be held in the central office of the division, except that upon written request of the legislative authority of the municipal corporation, the board of county commissioners, or board of township trustees, the hearing shall be held in the county seat of the county where the proposed agency store is to be located.

(C) All agency contracts entered into by the division pursuant to this section shall be in writing and shall contain a clause providing for the termination of the contract at will by the division upon its giving ninety days' notice in writing to ~~such~~ the agent of its intention to do so. Any agency contract may include a clause requiring the agent to report to the appropriate law enforcement agency the name and address of any individual under twenty-one years of age who attempts to make an illegal purchase.

An agent may engage in the selling of beer, mixed beverages, and wine pursuant to permits issued to the agent under Chapter 4303. of the Revised Code.

The division shall issue a C-1 and C-2 permit to each agent who prior to November 1, 1994, had not been issued both of these permits, notwithstanding the population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission and notwithstanding the requirements of section 4303.31 of the Revised Code. The location of a C-1 or C-2 permit issued to such an agent shall not

be transferred. The division shall revoke any C-1 or C-2 permit issued to an agent under this paragraph if the agent no longer operates an agency store.

No person shall operate, or have any interest, directly or indirectly, in more than ~~four~~ eight state agencies in any one county or more than ~~eight~~ sixteen state agencies in the state for the sale of spirituous liquor. For purposes of this section, a person has an interest in a state agency if the person is a partner, member, officer, or director of, or a shareholder owning ten per cent or more of the capital stock of, any legal entity with which the department has entered into an agency contract.

The division may enter into agreements with the department of development to implement a minority loan program to provide low-interest loans to minority business enterprises, as defined in section 122.71 of the Revised Code, that are awarded liquor agency contracts or assignments.

(D) If the division closes a state liquor store and replaces that store with an agency store, any employees of the division employed at that state liquor store who lose their jobs at that store as a result shall be given preference by the agent who operates the agency store in filling any vacancies that occur among the agent's employees, if ~~such~~ that preference does not conflict with the agent's obligations pursuant to a collective bargaining agreement.

If the division closes a state liquor store and replaces the store with an agency store, any employees of the division employed at the state liquor store who lose their jobs at that store as a result may displace other employees as provided in sections 124.321 to 124.328 of the Revised Code. If an employee cannot displace other employees and is laid off, the employee shall be reinstated in another job as provided in sections 124.321 to 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 any retail dealer; nor shall any manufacturer or wholesale distributor or any stockholder ~~thereof~~ of a manufacturer or wholesale distributor acquire, by ownership in fee, leasehold, mortgage, or otherwise, directly or indirectly, any interest in the premises ~~whereon~~ on which the business of any other person engaged in the business of trafficking in beer or intoxicating liquor is conducted. All contracts, covenants, conditions, and limitations whereby any person engaged or proposing to engage in the sale of beer or intoxicating liquors promises to confine the person's sales of a particular kind or quality of beer or intoxicating liquor to one or more products, or the products of a specified manufacturer or wholesale distributor, or to give preference to ~~such~~ those products, shall to the extent of ~~such~~ that promise be void. The making of ~~such~~ a promise in any such form shall be cause for the revocation or suspension of any permit issued to any party. This section does not prevent the holder of an A permit from securing and holding a wholesale distributor's permit or permits and operating as a wholesale distributor.

No manufacturer shall sell or offer to sell to any wholesale distributor or retail permit holder, and no wholesale distributor shall sell or offer to sell to any retail permit holder, and no wholesale distributor or retail permit holder shall purchase or receive from any manufacturer or wholesale distributor, any malt or brewed beverages or wine manufactured in the United States except for cash. No right of action shall exist to collect any claims for credit extended contrary to this section. This section does not prohibit a licensee from crediting to a purchaser the actual prices charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by ~~such~~ that purchaser for containers or as a deposit on containers when title is retained by the vendor, if ~~such~~ those containers or packages have been returned to the manufacturer

or distributor. This section does not prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages or wine manufactured in the United States and sold to customers who live or maintain places of business outside this state when the beverages so sold are actually transported and delivered to points outside this state. No wholesale or retail permit shall be issued to an applicant unless ~~such~~ the applicant has paid in full all accounts for beer and malt beverages or wine, manufactured in the United States, outstanding as of September 6, 1939. No beer or malt beverages or wine manufactured in the United States shall be imported into the state unless the ~~same beer or malt beverages or wine~~ same beer or malt beverages or wine has been paid for in cash, and no consent to import any such beer or malt beverages or wine manufactured in the United States shall be issued by the division of liquor control until the A-2, B-1, or B-5 permit holder establishes to the satisfaction of the division that the ~~same beer or malt beverages or wine~~ same beer or malt beverages or wine has been paid for in cash.

This section does not prevent a manufacturer from securing and holding 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 or premises of any C or D permit holder, provided that the following conditions are met:

(A) Either the manufacturer or one of its parent companies is listed on a national securities exchange.

(B) All purchases of alcoholic beverages by the C or D permit holder are made from wholesale distributors in this state or agency stores licensed by the division of liquor control.

(C) If the C or D permit holder sells brands of alcoholic beverages that are produced or distributed by the manufacturer that holds the financial interest, the C or D permit holder also sells other competing brands of alcoholic beverages produced by other manufacturers, no preference is given to the products of the manufacturer, and there is no exclusion, in whole or in part, of products sold or offered for sale by other manufacturers, suppliers, or importers of alcoholic beverages that constitutes a substantial impairment of commerce.

(D) The primary purpose of the C or D permit premises is a purpose other than to sell alcoholic beverages, and the sale of other goods and services exceeds fifty per cent of the total gross receipts of the C or D permit holder at its premises.

This section does not prevent a manufacturer from giving financial assistance to the holder of a B permit for the purpose of the holder purchasing an ownership interest in the business, existing inventory and

equipment, or property of another B permit holder, including, but not limited to, participation in a limited liability partnership, limited liability company, or any other legal entity authorized to do business in this state. This section does not permit a manufacturer to give financial assistance to the holder of a B permit to purchase inventory or equipment used in the daily operation of a B permit holder.

Sec. 4301.422. (A) Any person who makes sales of beer, cider, wine, or mixed beverages to persons for resale at retail in a county in which a tax has been enacted pursuant to section 4301.421 or 4301.424 of the Revised Code, and any manufacturer, bottler, importer, or other person who makes sales at retail in the county upon which the tax has not been paid, is liable for the tax. Each person liable for the tax shall register with the tax commissioner on a form prescribed by the commissioner and provide whatever information the commissioner considers necessary.

(B) Each person liable for the tax shall file a return and pay the tax to the ~~treasurer of state~~ tax commissioner by the last day of the month following the month in which the sale occurred. The return is considered to be filed when received by the ~~treasurer of state~~ tax commissioner. The return shall be prescribed by the commissioner, and no person filing such a return shall fail to provide the information specified on the return. If the return is filed and the amount of tax shown on the return to be due is paid on or before the date the return is required to be filed, the person required to file the return shall receive an administrative fee of two and one-half per cent of that person's total tax liability under section 4301.421 of the Revised Code for the purpose of offsetting additional costs incurred in collecting and remitting the tax. Any person required to file a return who fails to file timely may be required to forfeit and pay into the state treasury an amount not exceeding fifty dollars or ten per cent of the tax due, whichever is greater, as revenue arising from the tax. That amount may be collected by assessment in the manner specified in sections 4305.13 and 4305.131 of the Revised Code.

(C) A tax levied pursuant to section 4301.421 or 4301.424 of the Revised Code shall be administered by the tax commissioner. The commissioner shall have all powers and authority incident to such administration, including examination of records, audit, refund, assessment, and seizure and forfeiture of untaxed beverages. The procedures, rights, privileges, limitations, prohibitions, responsibilities, and duties specified in sections 4301.48 to 4301.52, 4305.13, 4305.131, and 4307.01 to 4307.12 of the Revised Code apply in the administration of the tax.

(D) Each person required to pay the tax levied pursuant to section

4301.421 or 4301.424 of the Revised Code who sells beer, cider, wine, or mixed beverages for resale at retail within a county in which the tax is levied shall clearly mark on all invoices, billings, and similar documents the amount of tax and the name of the county in which the tax is levied.

(E) Each person required to pay the tax levied by section 4301.421 or 4301.424 of the Revised Code shall maintain complete records of all sales for at least three years. The records shall be open to inspection by the tax commissioner.

(F) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the tax imposed by section 4301.421 or 4301.424 of the Revised Code.

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of the Revised Code:

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces.

(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale.

(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax is hereby levied on the sale or distribution of wine in Ohio, except for known sacramental purposes, at the rate of thirty cents per wine gallon for wine containing not less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol by volume, ninety-eight cents per wine gallon for wine containing more than fourteen per cent but not more than twenty-one per cent of alcohol by volume, one dollar and eight cents per wine gallon for vermouth, and one dollar and forty-eight cents per wine gallon for sparkling and carbonated wine and champagne, the tax to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing wine upon which no tax has been paid. From the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to one cent per gallon for each gallon upon which the tax is paid.

(C) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on prepared and bottled highballs, cocktails, cordials, and other mixed beverages at the rate of one dollar and twenty cents per wine gallon to be paid by holders of A-4 permits or by any other person selling or distributing those products upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of tax due. The tax on mixed beverages to be paid by holders of A-4

permits under this section shall not attach until the ownership of the mixed beverage is transferred for valuable consideration to a wholesaler or retailer, and no payment of the tax shall be required prior to that time.

(D) During the period ~~from June 30, 1995, until~~ of July 1, 2001, through June 30, 2003, from the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to two cents per gallon upon which the tax is paid. The amount credited under this division is in addition to the amount credited to the Ohio grape industries fund under division (B) of this section.

(E) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on cider at the rate of twenty-four cents per wine gallon to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing cider upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of the tax due.

Sec. 4303.33. (A) Every A-1 permit holder in this state, every bottler, importer, wholesale dealer, broker, producer, or manufacturer of beer outside this state and within the United States, and every B-1 permit holder and importer importing beer from any manufacturer, bottler, person, or group of persons however organized outside the United States for sale or distribution for sale in this state, on or before the eighteenth day of each month, shall make and file with the ~~treasurer of state~~ tax commissioner upon a form prescribed by the tax commissioner an advance tax payment in an amount estimated to equal the taxpayer's tax liability for the month in which the advance tax payment is made. If the advance tax payment credits claimed on the report are for advance tax payments received by the ~~treasurer of state~~ tax commissioner on or before the eighteenth day of the month covered by the report, the taxpayer is entitled to an additional credit of three per cent of the advance tax payment and a discount of three per cent shall be allowed the taxpayer at the time of filing the report if filed as provided in division (B) of this section on any amount by which the tax liability reflected in the report exceeds the advance tax payment estimate by not more than ten per cent. The additional three per cent credit and three per cent discount shall be in consideration for advancing the payment of the tax and other services performed by the permit holder and other taxpayers in the collection of the tax. ~~The treasurer of state shall stamp or otherwise mark thereon the date the advance tax payment was received by the treasurer and the amount of the advance tax payment, and shall transmit that information to the tax commissioner.~~

"Advance tax payment credit" means credit for payments made by an A-1 or B-1 permit holder and any other persons during the period covered by a report which was made in anticipation of the tax liability required to be reported on that report.

"Tax liability" as used in division (A) of this section means the total gross tax liability of an A-1 or B-1 permit holder and any other persons for the period covered by a report before any allowance for credits and discount.

(B) Every A-1 permit holder in this state, every bottler, importer, wholesale dealer, broker, producer, or manufacturer of beer outside this state and within the United States, and every B-1 permit holder importing beer from any manufacturer, bottler, person, or group of persons however organized outside the United States, on or before the tenth day of each month, shall make and file a report for the preceding month upon a form prescribed by the tax commissioner which report shall show the amount of beer produced, sold, and distributed for sale in this state by the A-1 permit holder, sold and distributed for sale in this state by each manufacturer, bottler, importer, wholesale dealer, or broker outside this state and within the United States, and the amount of beer imported into this state from outside the United States and sold and distributed for sale in this state by the B-1 permit holder or importer.

The report shall be filed by mailing it to the ~~treasurer of state~~ tax commissioner, together with payment of the tax levied by sections 4301.42 and 4305.01 of the Revised Code shown to be due on the report after deduction of advance payment credits and any additional credits or discounts provided for under this section. ~~The treasurer of state shall stamp or otherwise mark on each report the date it was received by the treasurer, the amount of the tax payment accompanying the report, and shall transmit the report to the tax commissioner.~~

(C) Every A-2 and A-4, B-2, B-3, B-4, and B-5 permit holder in this state, on or before the eighteenth day of each month, shall make and file a report with the ~~treasurer of state~~ tax commissioner upon a form prescribed by the tax commissioner which report shall show, on the report of each A-2 and A-4 permit holder the amount of wine, cider, and mixed beverages produced and sold, or sold in this state by each such A-2 and A-4 permit holder for the next preceding calendar month and such other information as the tax commissioner requires, and on the report of each such B-2, B-3, B-4, and B-5 permit holder the amount of wine, cider, and mixed beverages purchased from an importer, broker, wholesale dealer, producer, or manufacturer located outside this state and sold and distributed in this state by such B-2, B-3, B-4, and B-5 permit holder, for the next preceding

calendar month and such other information as the tax commissioner requires.

Every such A-2, A-4, B-2, B-3, B-4, and B-5 permit holder in this state shall remit with the report the tax levied by sections 4301.43 and, if applicable, 4301.432 of the Revised Code less a discount thereon of three per cent of the total tax so levied and paid, provided the return is filed together with remittance of the amount of tax shown to be due thereon, within the time prescribed. ~~The treasurer of state shall stamp or otherwise mark on all reports the date it was received by the treasurer and the amount of tax payment accompanying all reports and shall transmit the return to the commissioner.~~ Any permit holder or other persons who fail to file a report under this section, for each day the person so fails, may be required to forfeit and pay into the state treasury the sum of one dollar as revenue arising from the tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code, and that sum may be collected by assessment in the manner provided in section 4305.13 of the Revised Code.

(D) Every B-1 permit holder and importer in this state importing beer from any manufacturer, bottler, person, or group of persons however organized, outside the United States, if required by the tax commissioner shall post a bond payable to the state in such form and amount as the commissioner prescribes with surety to the satisfaction of the tax commissioner, conditioned upon the payment to the ~~treasurer of state~~ tax commissioner of taxes levied by sections 4301.42 and 4305.01 of the Revised Code.

(E) No such wine, beer, cider, or mixed beverages sold or distributed in this state shall be taxed more than once under sections 4301.42, 4301.43, and 4305.01 of the Revised Code.

(F) As used in this section:

(1) "Cider" has the same meaning as in section 4301.01 of the Revised Code.

(2) "Wine" has the same meaning as in section 4301.01 of the Revised Code, except that "wine" does not include cider.

(G) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code.

Sec. 4303.331. No permit holder shall purchase and import into this state any beer from any manufacturer, bottler, importer, wholesale dealer, or broker outside this state and within the United States unless and until such manufacturer, bottler, importer, wholesale dealer, or broker registers with the tax commissioner and supplies such information as the commissioner

may require.

The commissioner may by rule require any registrant to file with the commissioner a bond payable to the state in such form and amount as the commissioner prescribes with surety to the satisfaction of the tax commissioner conditioned upon the making of the report to be made to the ~~treasurer of state~~ tax commissioner and the payment to the ~~treasurer of state~~ tax commissioner of taxes levied by sections 4301.42 and 4305.01 of the Revised Code, all as provided in section 4303.33 of the Revised Code.

Any such manufacturer, bottler, importer, wholesale dealer, or broker shall, as a part of such registration, make the secretary of state ~~his~~ its agent for the service of process or notice of any assessment, action, or proceedings instituted in the state against such person under sections 4303.33, 4301.42, and 4305.01 of the Revised Code.

Such process or notice shall be served, by the officer to whom it is directed or by the tax commissioner, or by the sheriff of Franklin county, who may be deputized for such purpose by the officer to whom the service is directed, upon the secretary of state by leaving at the office of the secretary of state, at least fifteen days before the return day of such process or notice, a true and attested copy thereof, and by sending to the defendant by certified mail, postage prepaid, a like and true attested copy, with an endorsement thereon of the service upon the secretary of state, addressed to such defendant at the address listed in the registration or at the defendant's last known address.

Any B-1 permit holder who purchases beer from any manufacturer, bottler, importer, wholesale dealer, or broker outside this state and within the United States who has not registered with the tax commissioner and filed a bond as provided in this section shall be liable for any tax due on any beer purchased from such unregistered manufacturer, bottler, importer, wholesale dealer, or broker and shall be subject to any penalties provided in Chapters 4301., 4303., 4305., and 4307. of the Revised Code.

Any B-1 permit holder who purchases beer from any manufacturer, bottler, importer, wholesale dealer, or broker outside this state and within the United States who has complied with this section shall not be liable for any tax due to the state on any beer purchased from any such manufacturer, bottler, importer, wholesale dealer, or broker.

All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code.

Sec. 4503.034. (A) Notwithstanding sections 4503.10, 4503.102, 4503.12, 4503.182, 4505.061, 4506.08, 4507.24, 4507.50, 4507.52, 4519.03,

4519.10, 4519.56, and 4519.69 of the Revised Code:

(1) Each deputy registrar shall be allowed the increased fee otherwise allowed in those sections and commencing on January 1, 2003, for performing the services specified in those sections only if the deputy registrars achieve a statewide satisfaction rate of at least ninety per cent on the survey conducted by the registrar of motor vehicles under this section. If the deputy registrars fail to achieve a statewide satisfaction rate of at least ninety per cent on the survey, the fee for performing the services specified in those sections shall remain at the rate in effect for the immediately preceding year.

(2) Each deputy registrar shall be allowed the increased fee otherwise allowed in those sections and commencing on January 1, 2004, for performing the services specified in those sections only if the deputy registrars achieve a statewide satisfaction rate of at least ninety per cent on the survey conducted by the registrar under this section. If the deputy registrars fail to achieve a statewide satisfaction rate of at least ninety per cent on the survey, the fee for performing the services specified in those sections shall remain at the rate in effect for the immediately preceding year.

(B) The registrar shall develop and conduct a survey evaluating public satisfaction with the conduct of services by deputy registrars under sections 4503.10, 4503.102, 4503.12, 4503.182, 4505.061, 4506.08, 4507.24, 4507.50, 4507.52, 4519.03, 4519.10, 4519.56, and 4519.69 of the Revised Code. In developing the survey, the registrar also shall establish standards that shall enable a deputy registrar to achieve a ninety per cent satisfaction rating. The ninety per cent satisfaction rate required under divisions (A)(1) and (2) of this section as a condition to increasing the service fees shall be determined on a statewide basis and not on an individual basis. The registrar shall conduct the survey in 2002 to determine the satisfaction rating for purposes of division (A)(1) of this section and shall conduct the survey again in 2003 to determine the satisfaction rating for purposes of division (A)(2) of this section.

Sec. 4503.10. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff or chief of police of the municipal or township police with jurisdiction over

the political subdivision in which the owner of the motor vehicle resides. Except as provided in section 4503.103 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times established by the registrar pursuant to section 4503.101 of the Revised Code. A motor vehicle owner also may elect to renew a motor vehicle registration by electronic means using electronic signature in accordance with rules adopted by the registrar. Except as provided in division (J) of this section, applications for registration shall be made on blanks furnished by the registrar for that purpose, containing the following information:

(1) A brief description of the motor vehicle to be registered, including the name of the manufacturer, the factory number of the vehicle, the year's model, and, in the case of commercial cars, the gross weight of the vehicle fully equipped computed in the manner prescribed in section 4503.08 of the Revised Code;

(2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides;

(3) The district of registration, which shall be determined as follows:

(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located.

(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each

application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required.

(7) The owner's social security number, if assigned, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number.

(B) Each time the applicant first registers a motor vehicle in the applicant's name, the applicant shall present for inspection a certificate of title or a memorandum certificate showing title to the motor vehicle to be registered in the applicant. When a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it, each application for registration for a vehicle required to be inspected under that section and those rules shall be accompanied by an inspection certificate for the motor vehicle issued in accordance with that section. The application shall be refused if any of the following applies:

(1) The application is not in proper form.

(2) The application is prohibited from being accepted 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.

(3) A certificate of title or memorandum certificate of title does not accompany the application.

(4) All registration and transfer fees for the motor vehicle, for the preceding year or the preceding period of the current registration year, have not been paid.

(5) The owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, and rules adopted under it, if that section is applicable.

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 sections 4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the Revised Code. When a certificate of registration is issued upon the first registration of a motor vehicle by or on behalf of the owner, the official issuing the certificate shall indicate the issuance with a stamp on the certificate of title or memorandum certificate and on the inspection

certificate for the motor vehicle, if any. The official also shall indicate, by a stamp or by such other means as the registrar prescribes, on the registration certificate issued upon the first registration of a motor vehicle by or on behalf of the owner the odometer reading of the motor vehicle as shown in the odometer statement included in or attached to the certificate of title. Upon each subsequent registration of the motor vehicle by or on behalf of the same owner, the official also shall so indicate the odometer reading of the motor vehicle as shown on the immediately preceding certificate of registration.

The registrar shall include in the permanent registration record of any vehicle required to be inspected under section 3704.14 of the Revised Code the inspection certificate number from the inspection certificate that is presented at the time of registration of the vehicle as required under this division.

(C) In addition, a charge of twenty-five cents shall be made for each reflectorized safety license plate issued, and a single charge of twenty-five cents shall be made for each county identification sticker or each set of county identification stickers issued, as the case may be, to cover the cost of producing the license plates and stickers, including material, manufacturing, and administrative costs. Those fees shall be in addition to the license tax. If the total cost of producing the plates is less than twenty-five cents per plate, or if the total cost of producing the stickers is less than twenty-five cents per sticker or per set issued, any excess moneys accruing from the fees shall be distributed in the same manner as provided by section 4501.04 of the Revised Code for the distribution of license tax moneys. If the total cost of producing the plates exceeds twenty-five cents per plate, or if the total cost of producing the stickers exceeds twenty-five cents per sticker or per set issued, the difference shall be paid from the license tax moneys collected pursuant to section 4503.02 of the Revised Code.

(D) Each deputy registrar shall be allowed a fee of two dollars and ~~twenty-five~~ 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 registration and registration renewal notice the deputy registrar receives, which shall be for the purpose of compensating the deputy registrar for the deputy registrar's services, and such office and rental expenses, as may be necessary for the proper discharge of the deputy registrar's duties in the receiving of applications and renewal notices and the issuing of licenses.

(E) Upon the certification of the registrar, the county sheriff or local police officials shall recover license plates erroneously or fraudulently

d.

(F) Each deputy registrar, upon receipt of any application for registration or registration renewal notice, together with the license fee and any local motor vehicle license tax levied pursuant to Chapter 4504. of the Revised Code, shall transmit that fee and tax, if any, in the manner provided in this section, together with the original and duplicate copy of the application, to the registrar. The registrar, subject to the approval of the director of public safety, may deposit the funds collected by those deputies in a local bank or depository to the credit of the "state of Ohio, bureau of motor vehicles." Where a local bank or depository has been designated by the registrar, each deputy registrar shall deposit all moneys collected by the deputy registrar into that bank or depository not more than one business day after their collection and shall make reports to the registrar of the amounts so deposited, together with any other information, some of which may be prescribed by the treasurer of state, as the registrar may require and as prescribed by the registrar by rule. The registrar, within three days after receipt of notification of the deposit of funds by a deputy registrar in a local bank or depository, shall draw on that account in favor of the treasurer of state. The registrar, subject to the approval of the director and the treasurer of state, may make reasonable rules necessary for the prompt transmittal of fees and for safeguarding the interests of the state and of counties, townships, municipal corporations, and transportation improvement districts levying local motor vehicle license taxes. The registrar may pay service charges usually collected by banks and depositories for such service. If deputy registrars are located in communities where banking facilities are not available, they shall transmit the fees forthwith, by money order or otherwise, as the registrar, by rule approved by the director and the treasurer of state, may prescribe. The registrar may pay the usual and customary fees for such service.

(G) This section does not prevent any person from making an application for a motor vehicle license directly to the registrar by mail, by electronic means, or in person at any of the registrar's offices, upon payment of a service fee of two dollars and ~~twenty-five~~ 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.

(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that section.

(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code.

(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to present an inspection certificate with an application for registration or preregistration.

(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under division (D) of section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline established under rules adopted under section 4503.101 of the Revised Code that was applicable in the year in which the multi-year registration was issued, and the registration deadline for renewal of the multi-year registration.

(J) Application for registration under the international registration plan, as set forth in sections 4503.60 to 4503.66 of the Revised Code, shall be made to the registrar on forms furnished by the registrar. In accordance with international registration plan guidelines and pursuant to rules adopted by the registrar, the forms shall include the following:

- (1) A uniform mileage schedule;
- (2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;
- (3) Any other information the registrar requires by rule.

Sec. 4503.102. (A) The registrar of motor vehicles shall adopt rules to establish a centralized system of motor vehicle registration renewal by mail or by electronic means. Any person owning a motor vehicle that was registered in the person's name during the preceding registration year shall renew the registration of the motor vehicle not more than ninety days prior to the expiration date of the registration either by mail or by electronic means through the centralized system of registration established under this section, or in person at any office of the registrar or at a deputy registrar's office.

(B)(1) No less than forty-five days prior to the expiration date of any motor vehicle registration, the registrar shall mail a renewal notice to the person in whose name the motor vehicle is registered. The renewal notice shall clearly state that the registration of the motor vehicle may be renewed by mail or electronic means through the centralized system of registration or in person at any office of the registrar or at a deputy registrar's office and shall be preprinted with information including, but not limited to, the owner's name and residence address as shown in the records of the bureau of motor vehicles, a brief description of the motor vehicle to be registered, notice of the license taxes and fees due on the motor vehicle, the toll-free telephone number of the registrar as required under division (D)(1) of section 4503.031 of the Revised Code, and any additional information the registrar may require by rule. The renewal notice shall be sent by regular mail to the owner's last known address as shown in the records of the bureau of motor vehicles.

(2) If the application for renewal of the registration of a motor vehicle is prohibited from being accepted by the registrar or a deputy registrar by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4507.168, or division (B)(1) of section 4521.10 of the Revised Code, the registrar is not required to send a renewal notice to the vehicle owner or vehicle lessee.

(C) The owner of the motor vehicle shall verify the information contained in the notice, sign it either manually or by electronic means, and return it, either by mail or electronic means, or the owner may take it in person to any office of the registrar or of a deputy registrar, together with a financial transaction device number, when permitted by rule of the registrar, check, or money order in the amount of the registration taxes and fees payable on the motor vehicle and a mail 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, plus postage as indicated on the

notice, if the registration is renewed by mail, and an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code. If the motor vehicle owner chooses to renew the motor vehicle registration by electronic means, the owner shall proceed in accordance with the rules the registrar adopts.

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4507.168, or division (B)(1) of section 4521.10 of the Revised Code prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused, and the registrar or deputy registrar shall so notify the owner. This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised Code.

(E)(1) Failure to receive a renewal notice does not relieve a motor vehicle owner from the responsibility to renew the registration for the motor vehicle. Any person who has a motor vehicle registered in this state and who does not receive a renewal notice as provided in division (B) of this section prior to the expiration date of the registration shall request an application for registration from the registrar or a deputy registrar and sign the application manually or by electronic means and submit the application and pay any applicable license taxes and fees to the registrar or deputy registrar.

(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 the motor vehicle, except that:

(A) If a statutory merger or consolidation results in the transfer of ownership of a motor vehicle from a constituent corporation to the surviving corporation, or if the incorporation of a proprietorship or partnership results in the transfer of ownership of a motor vehicle from the proprietorship or partnership to the corporation, the registration shall be continued upon the filing by the surviving or new corporation, within thirty days of such transfer, of an application for an amended certificate of registration, unless such registration is prohibited by division (D) of section 2935.27, division (A) of section 2937.221, division (B) of section 4507.168, or division (B)(1) of section 4521.10 of the Revised Code. The application shall be accompanied by a service fee of two dollars and ~~twenty-five~~ 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, a transfer fee of one dollar, and the original certificate of registration. Upon a proper filing, the registrar of motor vehicles shall issue an amended certificate of registration in the name of the new owner.

(B) If the death of the owner of a motor vehicle results in the transfer of ownership of the motor vehicle to the surviving spouse of the owner or if a motor vehicle is owned by two persons under joint ownership with right of survivorship established under section 2106.17 of the Revised Code and one of those persons dies, the registration shall be continued upon the filing by the surviving spouse of an application for an amended certificate of registration, unless such registration is prohibited by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4507.168, or division (B)(1) of section 4521.10 of the Revised Code. The application shall be accompanied by a service fee of two dollars and ~~twenty-five~~ 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, a transfer fee of one dollar, the original certificate of registration, and, in relation to a motor vehicle that is owned by two persons under joint ownership with right of survivorship established under section 2106.17 of the Revised Code, by a copy of the certificate of title that specifies that the vehicle is owned under joint ownership with right of survivorship. Upon a proper filing, the registrar shall issue an amended certificate of registration in the name of the surviving spouse.

(C) If the original owner of a motor vehicle that has been transferred makes application for the registration of another motor vehicle at any time during the remainder of the registration period for which the transferred motor vehicle was registered, the owner, unless such registration is prohibited by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (E) of section 4503.234, division (B) of section 4507.168, or division (B)(1) of section 4521.10 of the Revised Code, may file an application for transfer of the registration and, where applicable, the license plates, accompanied by a service 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, a transfer fee of one dollar, and the original certificate of registration. The transfer of the registration and, where applicable, the license plates from the motor vehicle

for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and license plates were issued shall be done within a period not to exceed thirty days. During that thirty-day period, the license plates from the motor vehicle for which they originally were issued may be displayed on the succeeding motor vehicle, and the succeeding motor vehicle may be operated on the public roads and highways in this state.

At the time of application for transfer, the registrar shall compute and collect the amount of tax due on the succeeding motor vehicle, based upon the amount that would be due on a new registration as of the date on which the transfer is made less a credit for the unused portion of the original registration beginning on that date. If the credit exceeds the amount of tax due on the new registration, no refund shall be made. In computing the amount of tax due and credits to be allowed under this division, the provisions of division (B)(1)(a) and (b) of section 4503.11 of the Revised Code shall apply. As to passenger cars, noncommercial vehicles, motor homes, and motorcycles, transfers within or between these classes of motor vehicles only shall be allowed. If the succeeding motor vehicle is of a different class than the motor vehicle for which the registration originally was issued, new license plates also shall be issued upon the surrender of the license plates originally issued and payment of the fees provided in divisions (C) and (D) of section 4503.10 of the Revised Code.

(D) The owner of a commercial car having a gross vehicle weight or combined gross vehicle weight of more than ten thousand pounds may transfer the registration of that commercial car to another commercial car the owner owns without transferring ownership of the first commercial car, unless registration of the second commercial car is prohibited by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4507.168, or division (B)(1) of section 4521.10 of the Revised Code. At any time during the remainder of the registration period for which the first commercial car was registered, the owner may file an application for the transfer of the registration and, where applicable, the license plates, accompanied by a service fee of two dollars and ~~twenty-five~~ 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, a transfer fee of one dollar, and the certificate of registration of the first commercial car. The amount of any tax due or credit to be allowed for a transfer of registration under this division shall be computed in accordance with division (C) of this section.

No commercial car to which a registration is transferred under this division shall be operated on a public road or highway in this state until after the transfer of registration is completed in accordance with this division.

(E) Upon application to the registrar or a deputy registrar, a person who owns or leases a motor vehicle may transfer special license plates assigned to that vehicle to any other vehicle that the person owns or leases or that is owned or leased by the person's spouse. The application shall be accompanied by a service fee of two dollars and ~~twenty-five~~ 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, a transfer fee of one dollar, and the original certificate of registration. As appropriate, the application also shall be accompanied by a power of attorney for the registration of a leased vehicle and a written statement releasing the special plates to the applicant. Upon a proper filing, the registrar or deputy registrar shall assign the special license plates to the motor vehicle owned or leased by the applicant and issue a new certificate of registration for that motor vehicle.

As used in division (E) of this section, "special license plates" means either of the following:

(1) Any license plates for which the person to whom the license plates are issued must pay an additional fee in excess of the fees prescribed in section 4503.04 of the Revised Code, Chapter 4504. of the Revised Code, and the service fee prescribed in division (D) or (G) of section 4503.10 of the Revised Code;

(2) License plates issued under section 4503.44 of the Revised Code.

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon application and proof of purchase of the vehicle, may be issued a temporary license placard or windshield sticker for the motor vehicle.

The purchaser of a vehicle applying for a temporary license placard or windshield sticker under this section shall execute an affidavit stating that the purchaser has not been issued previously during the current registration year a license plate that could legally be transferred to such vehicle.

Placards or windshield stickers shall be issued only for the applicant's use of the vehicle to enable the applicant to legally operate the motor vehicle while proper title, license plates, and a certificate of registration are being obtained, and shall be displayed on no other motor vehicle.

Placards or windshield stickers issued under this section are valid for a period of thirty days from date of issuance and are not transferable or renewable.

The fee for such placards or windshield stickers is two dollars plus a fee

of two dollars and ~~twenty-five~~ 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 such placard issued by a deputy registrar.

(B) The registrar of motor vehicles may issue to a motorized bicycle dealer or a licensed motor vehicle dealer temporary license placards to be issued to purchasers for use on vehicles sold by the licensed dealer, in accordance with rules prescribed by the registrar. The dealer shall notify the registrar within forty-eight hours of proof of issuance on a form prescribed by the registrar.

The fee for each such placard issued by the registrar to a licensed motor vehicle dealer is two dollars plus a fee of two dollars and ~~twenty-five~~ 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.

(C) The registrar of motor vehicles, at the registrar's discretion, may issue a temporary license placard. Such a placard may be issued in the case of extreme hardship encountered by a citizen from this state or another state who has attempted to comply with all registration laws, but for extreme circumstances is unable to properly register the citizen's vehicle.

(D) The registrar shall adopt rules, in accordance with division (B) of section 111.15 of the Revised Code, to specify the procedures for reporting the information from applications for temporary license placards and windshield stickers and for providing the information from these applications to law enforcement agencies.

(E) Temporary license placards issued under this section shall bear a distinctive combination of seven letters, numerals, or letters and numerals, and shall incorporate a security feature that, to the greatest degree possible, prevents tampering with any of the information that is entered upon a placard when it is issued.

(F) As used in this section, "motorized bicycle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in motorized bicycles who is not subject to section 4503.09 of the Revised Code.

Sec. 4504.05. The moneys received from a county motor vehicle license tax shall be allocated and distributed as follows:

(A) First, for payment of the costs and expenses incurred by the county in the enforcement and administration of the tax;

(B) The remainder of such moneys shall be credited to funds as follows:

(1) With respect to county motor vehicle tax moneys received under

section 4504.02 of the Revised Code, that part of the total amount which is in the same proportion to the total as the number of motor vehicles registered in the municipal corporations in the county that did not levy a municipal motor vehicle license tax immediately prior to the adoption of the county motor vehicle license tax is to the total number of motor vehicles registered in the county in the most recent registration year, shall be placed in a separate fund to be allocated and distributed as provided in section 4504.04 of the Revised Code.

The remaining portion shall be placed in the county motor vehicle license and gasoline tax fund and shall be allocated and disbursed only for the purposes specified in section 4504.02 of the Revised Code, other than paying all or part of the costs and expenses of municipal corporations in constructing, reconstructing, improving, maintaining, and repairing highways, roads, and streets designated as necessary and conducive to the orderly and efficient flow of traffic within and through the county pursuant to section 4504.03 of the Revised Code.

(2) With respect to county motor vehicle tax moneys received under section 4504.15 of the Revised Code:

(a) That arising from motor vehicles the district of registration of which is a municipal corporation within the county that is not levying the tax authorized by section 4504.17 of the Revised Code shall be allocated fifty per cent to the county and fifty per cent to such municipal corporation in an amount equal to the amount of the tax per motor vehicle registered during the preceding month in that part of the municipal corporation located within the county. Moneys allocated to a municipal corporation under this section shall be paid directly into the treasury of the municipal corporation as provided in section 4501.042 of the Revised Code and used only for the purposes described in section 4504.06 of the Revised Code. The first distribution shall be made to a municipal corporation under this division in the second month after the county motor vehicle license tax is imposed under section 4504.15 of the Revised Code.

(b) That arising from motor vehicles the district of registration of which is in an unincorporated area of the county shall be allocated seventy per cent to the county and thirty per cent to the townships in which the owners of the motor vehicles reside in an amount equal to the amount of the tax per motor vehicle owned by such a resident in each such township and registered during the preceding month in the county. The moneys allocated to townships shall be paid into the treasuries of the townships and shall be used only for the purposes described in section 4504.18 of the Revised Code. The first distribution shall be made under this division in the second month after

the county motor vehicle license tax is imposed under section 4504.15 of the Revised Code.

(3) With respect to county motor vehicle tax moneys received under section 4504.16 of the Revised Code:

(a) That arising from motor vehicles the district of registration of which is a municipal corporation within the county that is not levying the tax authorized by section 4504.171 of the Revised Code shall be allocated to the county;

(b) That arising from motor vehicles the district of registration of which is in an unincorporated area of the county shall be allocated seventy per cent to the county and thirty per cent to the townships in which the owners of the motor vehicles reside in an amount equal to the amount of the tax per motor vehicle owned by such a resident in each such township and registered during the preceding month in the county unless the allocation is modified under section 4504.051 of the Revised Code. The moneys allocated to townships shall be paid into the treasuries of the townships and shall be used only for the purposes described in section 4504.18 of the Revised Code. The first distribution shall be made under this division in the second month after the county motor vehicle license tax is imposed under section 4504.16 of the Revised Code.

Sec. 4504.051. (A) The county motor vehicle tax moneys received under section 4504.16 of the Revised Code that arise from motor vehicles the district of registration of which is in an unincorporated area of the county may be allocated according to either of the following proceedings rather than according to the allocation established under division (B)(3)(b) of section 4504.05 of the Revised Code:

(1)(a) Each year, a board of township trustees may pass a resolution requesting an increase in the percentage of moneys allocated to the township under division (B)(3)(b) of section 4504.05 of the Revised Code. Upon passage, the board shall forward the resolution to the board of county commissioners.

(b) After receipt of a resolution under division (A)(1)(a) of this section, the board of county commissioners shall consider and, prior to the first day of October, may pass a resolution increasing the percentage of moneys otherwise allocated to the township under division (B)(3)(b) of section 4504.05 of the Revised Code.

(2) Each year, a board of county commissioners may propose increasing or decreasing the percentage of moneys otherwise allocated to a township under division (B)(3)(b) of section 4504.05 of the Revised Code, but only if the board of county commissioners has obtained a resolution from the board

of township trustees consenting to the percentage of the increase or decrease. The board of county commissioners, prior to the first day of October, then may pass a resolution increasing or decreasing the percentage of money allocated to a township, but only by the percentage to which the board of township trustees consented.

(B) If a board of county commissioners passes a resolution under division (A)(1)(b) or (2) of this section, it promptly shall forward a copy of the resolution to the board of trustees of the involved township, the county engineer, and the county treasurer.

(C) The county treasurer shall make the first distribution under any new allocation established by a resolution passed by the board of county commissioners under division (A)(1)(b) or (2) of this section in January of the year next following the date on which the resolution is passed. The moneys allocated to townships under this section shall be paid into the treasuries of the townships and shall be used only for the purposes described in section 4504.18 of the Revised Code.

(D) A resolution passed by a board of county commissioners under division (A)(1)(b) or (2) of this section is valid only for the county fiscal year next following the date on which the resolution is passed.

Sec. 4505.061. If the application for a certificate of title refers to a motor vehicle last previously registered in another state, the application shall be accompanied by a physical inspection certificate issued by the department of public safety verifying the make, body type, model, and manufacturer's vehicle identification number of the motor vehicle for which the certificate of title is desired. The physical inspection certificate shall be in such form as is designated by the registrar of motor vehicles. The physical inspection of the motor vehicle shall be made at a deputy registrar's office, or at an established place of business operated by a licensed motor vehicle dealer. Additionally, the physical inspection of a salvage vehicle owned by an insurance company may be made at an established place of business operated by a salvage motor vehicle dealer licensed under Chapter 4738. of the Revised Code. 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.

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 bureau of motor vehicles fund established by section 4501.25 of the Revised Code.

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;

(4) If the person is nineteen years of age or older, but less than twenty years of age, a fee of three dollars and fifty cents;

(5) If the person is twenty years of age or older, but less than twenty-one years of age, a fee of two dollars and twenty-five cents.

(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for laminating a driver's license ~~or~~, motorized bicycle license, or temporary instruction permit identification cards as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar laminating a driver's license ~~or~~, motorized bicycle license, or temporary instruction permit identification cards shall retain the entire amount of the fee charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section.

(G) At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit the fees collected under divisions (A), (B), (C), (D), and (E), and those portions of the fees specified in and collected under division (F) of this section to the registrar. The registrar shall pay two dollars and fifty cents of each fee collected under

divisions (A), (B), (C), (D), and (E)(1) to (4) of this section, and the entire fee collected under division (E)(5) of this section, into the state highway safety fund established in section 4501.06 of the Revised Code, and such fees shall be used for the sole purpose of supporting driver licensing activities. The remaining fees collected by the registrar under this section shall be paid into the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code.

(H) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance to that veteran, without the payment of any fee prescribed in this section, of any of the following items:

- (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 not required to pay the deputy registrar the lamination fee provided in division (F) of this section.

A disabled veteran whose driver's license ~~or~~, motorized bicycle license, or temporary instruction permit identification card is laminated by the registrar is not required to pay the registrar any lamination fee.

An application made under division (H) of this section shall be accompanied by such documentary evidence of disability as the registrar may require by rule.

Sec. 4507.24. (A) Except as provided in division (B) of this section, each deputy registrar may collect a fee not to exceed the following:

(1) Three dollars and ~~twenty-five~~ seventy-five cents commencing on July 1, 2001, four dollars and twenty-five cents commencing on January 1, 2003, and four dollars and fifty cents commencing on January 1, 2004, for each application for renewal of a driver's license received by the deputy registrar, when the applicant is required to submit to a screening of the applicant's vision under section 4507.12 of the Revised Code;

(2) 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 driver's license, or motorized bicycle license, or for renewal of such a license, received by the deputy registrar, when the applicant is not required to submit to a screening of the applicant's vision under section 4507.12 of the Revised Code.

(B) The fees prescribed by division (A) of this section shall be in addition to the fee for a temporary instruction permit and examination, a driver's license, a motorized bicycle license, or duplicates thereof, and shall compensate the deputy registrar for the deputy registrar's services, for office and rental expense, and for costs as provided in division (C) of this section, as are necessary for the proper discharge of the deputy registrar's duties under sections 4507.01 to 4507.39 of the Revised Code.

A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration is required to pay the applicable fee prescribed in division (A) of this section if the disabled veteran submits an application for a driver's license or motorized bicycle license or a renewal of either of these licenses to a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is in effect on the effective date of this amendment. The disabled veteran also is required to submit with the disabled veteran's application such documentary evidence of disability as the registrar may require by rule.

A disabled veteran who submits an application described in this division is not required to pay either of the fees prescribed in division (A) of this section if the disabled veteran submits the application to a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is executed after the effective date of this amendment. The disabled veteran still is required to submit with the disabled veteran's application such documentary evidence of disability as the registrar may require by rule.

A disabled veteran who submits an application described in this division directly to the registrar is not required to pay either of the fees prescribed in division (A) of this section if the disabled veteran submits with the disabled veteran's application such documentary evidence of disability as the

registrar may require by rule.

(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 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 identification card issued under this section. The fee allowed to the deputy registrar shall be in addition to the fee for issuing an identification card.

Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for laminating an identification card or temporary identification card. A deputy registrar laminating such a card shall retain the entire amount of the fee charged for lamination, less the actual cost to the registrar of the laminating materials used for that

lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section.

The fee collected for issuing an identification card under this section, except the fee allowed to the deputy registrar, shall be paid into the state treasury to the credit of the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

(B) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance to that veteran of an identification card or a temporary identification card under this section without payment of any fee prescribed in division (A) of this section, including any lamination fee.

If the identification card or temporary identification card of a disabled veteran described in this division is laminated by a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is in effect on the effective date of this amendment, the disabled veteran shall pay the deputy registrar the lamination fee prescribed in division (A) of this section. If the identification card or temporary identification card is laminated by a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is executed after ~~the effective date of this amendment~~ July 29, 1998, the disabled veteran is not required to pay the deputy registrar the lamination fee prescribed in division (A) of this section.

A disabled veteran whose identification card or temporary identification card is laminated by the registrar is not required to pay the registrar any lamination fee.

An application made under division (A) of this section shall be accompanied by such documentary evidence of disability as the registrar may require by rule.

Sec. 4507.52. Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card, who currently is not licensed to operate a motor vehicle in the state of Ohio."

The identification card shall display substantially the same information as contained in the application and as described in division (A)(1) of section

4507.51 of the Revised Code, including the cardholder's social security number unless the cardholder specifically requests that the cardholder's social security number not be displayed on the card. If federal law requires the cardholder's social security number to be displayed on the identification card, the social security number shall be displayed on the card notwithstanding a request to not display the number pursuant to this section. The identification card also shall display the color photograph of the cardholder. If the cardholder has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the cardholder wishes the identification card to indicate that the cardholder has executed either type of instrument, the card also shall display any symbol chosen by the registrar to indicate that the cardholder has executed either type of instrument. The card shall be sealed in transparent plastic or similar material and shall be so designed as to prevent its reproduction or alteration without ready detection.

The identification card for persons under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a person who is twenty-one years of age or older, except that an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of an identification card issued to a person who is twenty-one years of age or older.

Every identification card issued to a resident of this state shall expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the fourth year after the date on which it is issued. Every identification card issued to a temporary resident shall expire in accordance with rules adopted by the registrar and is nonrenewable, but may be replaced with a new identification card upon the applicant's compliance with all applicable requirements. A cardholder may renew the cardholder's identification card within ninety days prior to the day on which it expires by filing an application and paying the prescribed fee in accordance with section 4507.50 of the Revised Code.

If a cardholder applies for a driver's or commercial driver's license in this state or another licensing jurisdiction, the cardholder shall surrender the cardholder's identification card to the registrar or any deputy registrar before the license is issued.

If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following:

(A) Furnishing suitable proof of the loss, destruction, or mutilation to

the registrar or a deputy registrar;

(B) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code.

Any person who loses a card and, after obtaining a duplicate, finds the original, immediately shall surrender the original to the registrar or a deputy registrar.

A cardholder may obtain a replacement identification card that reflects any change of the cardholder's name by furnishing suitable proof of the change to the registrar or a deputy registrar and surrendering the cardholder's existing card.

When a cardholder applies for a duplicate or obtains a replacement identification card, the cardholder shall pay a fee of two dollars and fifty cents. A deputy registrar shall be allowed an additional fee of ~~two~~ three dollars 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 issuing a duplicate or replacement identification card. A disabled veteran who is a cardholder and has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance of a duplicate or replacement identification card without payment of any fee prescribed in this section, and without payment of any lamination fee if the disabled veteran would not be required to pay a lamination fee in connection with the issuance of an identification card or temporary identification card as provided in division (B) of section 4507.50 of the Revised Code.

A duplicate or replacement identification card shall expire on the same date as the card it replaces.

The registrar shall cancel any card upon determining that the card was obtained unlawfully, issued in error, or was altered. The registrar also shall cancel any card that is surrendered to the registrar or to a deputy registrar after the holder has obtained a duplicate, replacement, or driver's or commercial driver's license.

No agent of the state or its political subdivisions shall condition the granting of any benefit, service, right, or privilege upon the possession by any person of an identification card. Nothing in this section shall preclude any publicly operated or franchised transit system from using an identification card for the purpose of granting benefits or services of the system.

No person shall be required to apply for, carry, or possess an identification card.

(C) Except in regard to an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the identification card issued to persons who are twenty-one years of age or older.

Sec. 4511.81. (A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is registered in this state and is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is registered in this state and is owned, leased, or otherwise under the control of a nursery school, kindergarten, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(C) The director of public safety shall adopt such rules as are necessary to carry out this section.

(D) The failure of an operator of a motor vehicle to secure a child in a child restraint system as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(E) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle and to whom this section otherwise would apply or the life of any child who otherwise would be

required to be restrained under this section.

(F) If a person who is not a resident of this state is charged with a violation of division (A) or (B) of this section and does not prove to the court, by a preponderance of the evidence, that the person's use or nonuse of a child restraint system was in accordance with the law of the state of which the person is a resident, the court shall impose the fine levied by division (H)(2) of section 4511.99 of the Revised Code.

(G) There is hereby created in the state treasury the "child highway safety fund," consisting of fines imposed pursuant to divisions (H)(1) and (2) of section 4511.99 of the Revised Code for violations of divisions (A) and (B) of this section. The money in the fund shall be used by the department of health only to defray the cost of ~~verifying~~ designating hospitals as pediatric trauma centers under section ~~3702.161~~ 3727.081 of the Revised Code and to establish and administer a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems generally and the importance of their proper use. The program also shall include a process for providing child restraint systems to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and their proper use.

The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system under the department's child restraint system program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.

Sec. 4519.03. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration with the registrar of motor vehicles or a deputy registrar, on blanks furnished by the registrar for that purpose and containing all of the following information:

(1) A brief description of the snowmobile, off-highway motorcycle, or all-purpose vehicle, including the name of the manufacturer, the factory or model number, and the vehicle identification number;

(2) The name, residence, and business address of the owner;

(3) A statement that the snowmobile, off-highway motorcycle, or all-purpose vehicle is equipped as required by section 4519.20 of the Revised Code, and any rule adopted thereunder. The statement shall include a check list of the required equipment items in such form as the registrar shall prescribe.

The application shall be signed by the owner of the snowmobile, off-highway motorcycle, or all-purpose vehicle and shall be accompanied by a fee as provided in division (C) of section 4519.04 of the Revised Code.

If the application is not in proper form, or if the vehicle for which registration is sought does not appear to be equipped as required by section 4519.20 of the Revised Code or any rule adopted thereunder, the registration shall be refused and no registration sticker shall be issued.

(B) On and after ~~the effective date of this amendment~~ July 1, 1999, no certificate of registration or renewal of such a certificate shall be issued for an off-highway motorcycle or all-purpose vehicle required to be registered under section 4519.02 of the Revised Code, and no certificate of registration issued under this chapter for an off-highway motorcycle or all-purpose vehicle that is sold or otherwise transferred shall be transferred to the new owner of the off-highway motorcycle or all-purpose vehicle as permitted by division (B) of section 4519.05 of the Revised Code, unless a certificate of title has been issued under this chapter for the motorcycle or vehicle, and the owner or new owner, as the case may be, presents the certificate of title or a memorandum certificate of title for inspection at the time the owner or new owner first submits a registration application, registration renewal application, or registration transfer application for the motorcycle or vehicle on or after ~~the effective date of this amendment~~ July 1, 1999.

(C) When the owner of an off-highway motorcycle or all-purpose vehicle first registers it in the owner's name, and a certificate of title has been issued for the motorcycle or vehicle, the owner shall present for inspection a certificate of title or memorandum certificate of title showing title to the off-highway motorcycle or all-purpose vehicle in the name of the owner. If, when the owner of such a motorcycle or vehicle first makes application to register it in the owner's name, the application is not in proper form or if the certificate of title or memorandum certificate of title does not accompany the registration, the registration shall be refused and neither a certificate of registration nor a registration sticker shall be issued. When a certificate of registration and registration 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 manner from a placard issued under section 4503.182 of the Revised Code, shall be valid for a period of thirty days from the date of issuance, and shall not be transferable or renewable. The placard either shall consist of or be coated with such material as will enable it to remain legible and relatively intact despite the environmental conditions to which the placard is likely to be exposed during the thirty-day period for which it is valid. The purchaser of an off-highway motorcycle or all-purpose vehicle shall attach the temporary license placard to it, in a manner prescribed by rules the registrar shall adopt, so that the placard numerals or letters are clearly visible.

The fee for a temporary license placard issued under this section shall be two dollars. If the placard is issued by a deputy registrar, the deputy registrar shall charge an additional fee of two dollars and ~~twenty-five~~ 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, which the deputy registrar shall retain. The deputy registrar shall transmit each two-dollar fee received by the deputy registrar under this section to the registrar, who shall pay the two dollars to the treasurer of state for deposit into the state bureau of motor vehicles fund established by section 4501.25 of the Revised Code.

(B) The registrar may issue temporary license placards to a dealer to be

issued to purchasers for use on vehicles sold by the dealer, in accordance with rules prescribed by the registrar. The dealer shall notify the registrar within forty-eight hours of proof of issuance on a form prescribed by the registrar.

The fee for each such placard issued by the registrar to a dealer shall be two dollars plus a fee of two dollars and twenty-five cents.

Sec. 4519.56. (A) An application for a certificate of title shall be sworn to before a notary public or other officer empowered to administer oaths by the lawful owner or purchaser of the off-highway motorcycle or all-purpose vehicle and shall contain at least the following information in a form and together with any other information the registrar of motor vehicles may require:

(1) Name, address, and social security number or employer's tax identification number of the applicant;

(2) Statement of how the off-highway motorcycle or all-purpose vehicle was acquired;

(3) Name and address of the previous owner;

(4) A statement of all liens, mortgages, or other encumbrances on the off-highway motorcycle or all-purpose vehicle, and the name and address of each holder thereof;

(5) If there are no outstanding liens, mortgages, or other encumbrances, a statement of that fact;

(6) A description of the off-highway motorcycle or all-purpose vehicle, including the make, year, series or model, if any, body type, and manufacturer's vehicle identification number.

If the off-highway motorcycle or all-purpose vehicle contains a permanent identification number placed thereon by the manufacturer, this number shall be used as the vehicle identification number. Except as provided in division (B) of this section, if the application for a certificate of title refers to an off-highway motorcycle or all-purpose vehicle that contains such a permanent identification number, but for which no certificate of title has been issued previously by this state, the application shall be accompanied by a physical inspection certificate as described in that division.

If there is no manufacturer's vehicle identification number or if the manufacturer's vehicle identification number has been removed or obliterated, the registrar, upon receipt of a prescribed application and proof of ownership, but prior to issuance of a certificate of title, shall assign a vehicle identification number for the off-highway motorcycle or all-purpose vehicle. This assigned vehicle identification number shall be permanently

affixed to or imprinted upon the off-highway motorcycle or all-purpose vehicle by the state highway patrol. The state highway patrol shall assess a fee of fifty dollars for affixing the number to the off-highway motorcycle or all-purpose vehicle and shall deposit each such fee in the state highway safety fund established by section 4501.06 of the Revised Code.

(B) Except in the case of a new off-highway motorcycle or all-purpose vehicle sold by a dealer licensed under Chapter 4517. of the Revised Code title to which is evidenced by a manufacturer's or importer's certificate, if the application for a certificate of title refers to an off-highway motorcycle or all-purpose vehicle that contains a permanent identification number placed thereon by the manufacturer, but for which no certificate of title previously has been issued by this state, the application shall be accompanied by a physical inspection certificate issued by the department of public safety verifying the make, year, series or model, if any, body type, and manufacturer's vehicle identification number of the off-highway motorcycle or all-purpose vehicle for which the certificate of title is desired. The physical inspection certificate shall be in such form as is designated by the registrar. The physical inspection shall be made at a deputy registrar's office or at an established place of business operated by a licensed motor vehicle dealer. The deputy registrar or motor vehicle dealer may charge a maximum fee of ~~one dollar and fifty cents~~ 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.

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 bureau of motor vehicles fund established by section 4501.25 of the Revised Code.

Sec. 4519.69. If the application for a certificate of title refers to an off-highway motorcycle or all-purpose vehicle last previously registered in another state, the application shall be accompanied by a physical inspection certificate issued by the department of public safety verifying the make, year, series or model, if any, body type, and manufacturer's identification number of the off-highway motorcycle or all-purpose vehicle for which the certificate of title is desired. The physical inspection certificate shall be in such form as is designated by the registrar of motor vehicles. The physical

inspection of the off-highway motorcycle or all-purpose vehicle shall be made at a deputy registrar's office, or at an established place of business operated by a licensed motor vehicle dealer. Additionally, the physical inspection of a salvage off-highway motorcycle or all-purpose vehicle owned by an insurance company may be made at an established place of business operated by a salvage motor vehicle dealer licensed under Chapter 4738. of the Revised Code. 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.

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.

Sec. 4701.10. (A) The accountancy board, upon application, shall issue Ohio permits to practice public accounting to holders of the CPA certificate ~~of certified public accountant issued under section 4701.06 or 4701.061 of the Revised Code and to persons registered under sections 4701.07 and 4701.09 of the Revised Code~~ or the PA registration. Subject to division ~~(D)~~(H)(1) of this section, there shall be a triennial Ohio permit fee in an amount to be determined by the board not to exceed one hundred fifty dollars. All Ohio permits shall expire on the last day of December of the year assigned by the board and, subject to division ~~(D)~~(H)(1) of this section, shall be renewed triennially for a period of three years by certificate holders and registrants in good standing upon payment of a triennial renewal fee not to exceed one hundred fifty dollars. ~~For the purpose of implementing this section and enforcing section 4701.11 of the Revised Code, the board may issue an Ohio permit for less than three years' duration. A prorated fee shall be determined by the board for that Ohio permit.~~

(B) The accountancy board may issue Ohio registrations to holders of the CPA certificate and the PA registration who are not engaged in the practice of public accounting. Such persons shall not convey to the general public that they are actively engaged in the practice of public accounting in

this state. Subject to division (H)(1) of this section, there shall be a triennial Ohio registration fee in an amount to be determined by the board but not exceeding fifty-five dollars. All Ohio registrations shall expire on the last day of December of the year assigned by the board and, subject to division (H)(1) of this section, shall be renewed triennially for a period of three years upon payment by certificate holders and registrants in good standing of a renewal fee not to exceed fifty-five dollars.

(C) Any person who receives a CPA certificate and who applies for an initial Ohio permit or Ohio registration more than sixty days after issuance of the CPA certificate may, at the board's discretion, be subject to a late filing fee not exceeding one hundred dollars.

(D) Any person to whom the board has issued an Ohio permit who is engaged in the practice of public accounting and who fails to renew the permit by the expiration date shall be subject to a late filing fee not exceeding one hundred dollars for each full month or part of a month after the expiration date in which such person did not possess a permit, up to a maximum of one thousand two hundred dollars. The board may waive or reduce the late filing fee for just cause upon receipt of a written request from such person.

(E) Any person to whom the board has issued an Ohio permit or Ohio registration who is not engaged in the practice of public accounting and who fails to renew the permit or registration by the expiration date shall be subject to a late filing fee not exceeding fifty dollars for each full month or part of a month after the expiration date in which such person did not possess a permit or registration, up to a maximum of three hundred dollars. The board may waive or reduce the late filing fee for just cause upon receipt of a written request from such person.

(F) Failure of ~~any~~ a CPA certificate holder or ~~registrant~~ PA registration holder to apply for ~~a triennial~~ either an Ohio permit ~~to practice~~ or an Ohio registration ~~within three years~~ one year from the expiration date of the Ohio permit ~~to practice~~ or Ohio registration last obtained or renewed, or ~~three years~~ one year from the date upon which the CPA certificate holder ~~or registrant~~ was granted a CPA certificate ~~or registration~~, shall result in suspension of the CPA certificate or PA registration until all fees required under divisions (D) and (E) of this section have been paid, unless the board determines the failure to have been due to excusable neglect. In that case, the ~~renewal fee or the fee for the issuance or renewal~~ of the ~~original~~ Ohio permit or Ohio registration, as the case may be, shall be the amount that the board shall determine, but not in excess of fifty dollars plus the fee for each triennial period or part of a period the certificate holder or registrant did not

have either an Ohio permit or an Ohio registration.

~~(B) All certificate holders and registrants who are not in the practice of public accounting in this state shall register with the board every three years at a fee, not to exceed fifty-five dollars, established by the board. Such persons shall not convey to the general public that they are actively engaged in the practice of public accounting in this state.~~

~~(C)(G) The board shall suspend the certificate or registration of any person failing to obtain an Ohio permit in accordance with this section, except that the board by rule may exempt persons from the requirement of holding an Ohio permit or Ohio registration for specified reasons, including, but not limited to, retirement, health reasons, military service, foreign residency, or other just cause.~~

~~(D)(H)(1) On and after January 1, 1995, the The board, by rule adopted in accordance with Chapter 119. of the Revised Code, shall increase:~~

~~(a) May provide for the issuance of Ohio permits and Ohio registrations for less than three years' duration at prorated fees;~~

~~(b) Shall add a surcharge to the triennial Ohio permit and renewal Ohio registration fee imposed pursuant to this section by of at least fifteen dollars but no more than thirty dollars for a three-year Ohio permit or Ohio registration, at least ten dollars but no more than twenty dollars for a two-year Ohio permit or Ohio registration, and at least five dollars but no more than ten dollars for a one-year Ohio permit or Ohio registration.~~

~~(2) Beginning with the first quarter of 1995 and each Each quarter thereafter, the board, for the purpose provided in section 4743.05 of the Revised Code, shall certify to the director of budget and management the number of triennial Ohio permits and Ohio registrations issued or renewed under this chapter during the preceding quarter and the amount equal to that number times the amount by which of the triennial surcharge added to each Ohio permit and renewal Ohio registration fee is increased by the board under division ~~(D)(H)~~(1) of this section.~~

Sec. 4701.16. (A) After notice and hearing as provided in Chapter 119. of the Revised Code, the accountancy board may discipline as described in division (B) of this section a person holding an Ohio permit, an Ohio registration, a firm registration, a CPA certificate, or a PA registration or any other person whose activities are regulated by the board for any one or any combination of the following causes:

(1) Fraud or deceit in obtaining a firm registration or in obtaining a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;

(2) Dishonesty, fraud, or gross negligence in the practice of public accounting;

(3) Violation of any of the provisions of section 4701.14 of the Revised Code;

(4) Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;

(5) Conviction of a felony under the laws of any state or of the United States;

(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;

(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state;

(8) Suspension or revocation of the right to practice before any state or federal agency;

(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;

(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;

(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.

(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:

(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;

(2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest in a public accounting firm or qualified firm;

(3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;

(4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed ~~one~~ five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense.

(5) In the case of violations of division (A)(2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code;

(6) In the case of violations of division (A)(2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration

to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards;

(7) Revoke or suspend the privileges to offer or render attest services in this state or to use a CPA title or designation in this state of an individual who holds a foreign certificate.

(C) If the board levies a fine against or suspends the certificate of a person or registration of a person or firm for a violation of division (A)(2) or (4) of this section, it may waive all or any portion of the fine or suspension if the holder of the CPA certificate, PA registration, or firm registration complies fully with division (B)(5) or (6) of this section.

Sec. 4707.01. As used in sections 4707.01 to 4707.22 and 4707.99 of the Revised Code:

(A) "Auction" means a sale of real or personal property, goods, or chattels by means of verbal exchange or physical gesture between an auctioneer or apprentice auctioneer and members of ~~his~~ the audience, the exchanges and gestures consisting of a series of invitations for offers made by the auctioneer and offers by members of the audience, with the right to acceptance of offers with the auctioneer or apprentice auctioneer.

(B) "Auctioneer" means any person who engages, or who by advertising or otherwise holds ~~himself~~ self out as being able to engage, in the calling for, recognition of, and the acceptance of, offers for the purchase of real or personal property, goods, or chattels at auction either directly or through the use of other licensed auctioneers or apprentice auctioneers.

(C) "Apprentice auctioneer" means any individual who is sponsored by an auctioneer to deal or engage in any activities mentioned in division (A) of this section.

(D) "Auction company" means any person, excluding licensed auctioneers, who does business solely in ~~his~~ the auctioneer's individual name, who sells, either directly or through agents, real or personal property, goods, or chattels at auction, or who arranges, sponsors, manages, conducts, or advertises auctions and who was licensed as an auction company by the department of ~~commerce~~ agriculture as of May 1, 1991. An auction company does not mean either of the following:

(1) A sale barn or livestock auction market that is used exclusively for the auctioneering of livestock and is licensed by the department of agriculture under Chapter 943. of the Revised Code;

(2) A business that is licensed by the bureau of motor vehicles under Chapter 4517. of the Revised Code and is exclusively engaged in the auction

sale of motor vehicles to dealers licensed by either the bureau of motor vehicles or a bureau of motor vehicles of another jurisdiction or its equivalent.

(E) "Special auctioneer" means any person who is licensed as an auction company by the department of ~~commerce~~ agriculture as of May 1, 1991, and currently is subject to section 4707.071 of the Revised Code.

Sec. 4707.011. The department of ~~commerce~~ agriculture shall administer this chapter ~~through the division of real estate and professional licensing and the superintendent of real estate and professional licensing.~~

Sec. 4707.02. No person shall act as an auctioneer, apprentice auctioneer, or special auctioneer within this state without a license issued by the department of ~~commerce~~ agriculture. No auction shall be conducted in this state except by an auctioneer licensed by the department.

The department shall not issue or renew a license if the applicant or licensee has been convicted of a felony or crime involving fraud in this or another state at any time during the ten years immediately preceding application or renewal.

This section does not apply to:

(A) Sales at auction conducted by or under the direction of any public authority, or sales required by law to be at auction other than sales pursuant to a judicial order or decree;

(B) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale.

Sec. 4707.03. A state auctioneers commission shall be created within the department of ~~commerce~~ agriculture as follows:

(A) The governor, with the advice and consent of the senate, shall appoint a commission consisting of three members, each of whom immediately prior to the date of ~~his~~ appointment has been a resident of this state for five years, and whose vocation for a period of at least five years has been that of an auctioneer. Terms of office shall be for three years, commencing on the tenth day of October and ending on the ninth day of October. Each member shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he was~~ appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(B) At no time shall there be more than two members of the same political party serving on the commission.

Sec. 4707.04. (A) The state auctioneers commission shall, upon qualification of the member appointed in each year, select from its members a ~~chairman~~ chairperson, and shall serve in an advisory capacity to the department of ~~commerce~~ agriculture for the purpose of carrying out sections 4707.01 to 4707.22 of the Revised Code. The commission shall meet not less than four times annually.

(B) Each commissioner shall receive ~~his~~ the commissioner's actual and necessary expenses incurred in the discharge of such duties.

Sec. 4707.05. All fees and charges collected by the department of ~~commerce~~ agriculture pursuant to this chapter shall be paid into the state treasury to the credit of the auctioneers fund, which is hereby created. All expenses incurred by the department in administering this chapter shall be paid out of the fund. The total expenses incurred by the department in the administration of this chapter shall not exceed the total fees, charges, fines, and penalties imposed under sections 4707.08, 4707.10, and 4707.99 of the Revised Code and paid to the treasurer of state. The department may conduct education programs for the enlightenment and benefit of all auctioneers who have paid fees pursuant to sections 4707.08 and 4707.10 of the Revised Code.

Out of the moneys credited pursuant to this section, the fund shall be assessed a proportionate share of the administrative costs of the department in accordance with procedures prescribed by the director of ~~commerce~~ agriculture and approved by the director of budget and management. The assessment shall be paid from the auctioneers fund to the division of administration fund.

Sec. 4707.06. The department of ~~commerce~~ agriculture shall maintain a record of the names and addresses of all auctioneers and apprentice auctioneers, and special auctioneers licensed by the department. This record shall also include a list of all persons whose licenses have been suspended or revoked, as well as any other information relative to the enforcement of sections 4707.01 to 4707.22 of the Revised Code, as the department may deem of interest to the public.

Sec. 4707.07. (A) The department of ~~commerce~~ agriculture may grant auctioneers' licenses to those persons deemed qualified by the department. Each person who applies for an auctioneer's license shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

- (1) Has a good reputation;

- (2) Is of trustworthy character;
- (3) Has attained the age of at least eighteen years;
- (4) Has done one of the following:

- (a) Met the apprenticeship requirements set forth in section 4707.09 of the Revised Code;

- (b) Met the requirements of section 4707.12 of the Revised Code.

- (5) Has a general knowledge of the following:

- (a) The requirements of the Revised Code relative to auctioneers;

- (b) The auction profession;

- (c) The principles involved in conducting an auction.

(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.08 of the Revised Code.

(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

ction 4707.08 of the Revised Code as long as they do not engage in the calling for, recognition of, and the acceptance of, offers for the purchase of personal property at auction and do not conduct auctions at any location other than the definite place of business required in section 4707.14 of the Revised Code.

(B) The principal owner of each auction company which is licensed as of May 1, 1991, who pays the annual renewal fee specified in division (A) of section 4707.10 of the Revised Code during the first renewal period following May 1, 1991, shall be issued a special auctioneer's license, for the sale of personal property subject to division (A) of this section. Each principal owner shall apply for an annual license. In applying for an annual license, each person licensed as an auction company on May 1, 1991, shall designate an individual as principal owner by submitting documentation substantiating that the individual is in fact the principal owner and shall identify a definite place of business as required in section 4707.14 of the Revised Code. A person licensed as an auctioneer shall not be entitled to a special auctioneer's license.

(C) A special auctioneer's license issued under this section to the principal owner of a former auction company does not entitle the principal owner or former auction company to conduct auctions at any location other than the definite place of business required in section 4707.14 of the Revised Code. Notwithstanding section 4707.10 of the Revised Code, the department of agriculture shall not issue a new special auctioneer's license if the definite place of business identified by the licensee in the licensee's initial application for a special auctioneer license has changed or if the name under which the licensee is doing business has changed. No person other than an owner, officer, member, or agent of the former auction company who personally has ~~himself~~ passed the examination prescribed in section 4707.08 of the Revised Code and been licensed as an auctioneer shall engage in the calling for, recognition of, and the acceptance of, offers for the purchase of real or personal property, goods, or chattels at auction in connection with a former auction company that has been issued a special auctioneer's license.

(D) A person licensed as a special auctioneer shall not engage in the sale of real property at auction.

Sec. 4707.072. The department of ~~commerce~~ agriculture may grant one-auction licenses to any nonresident person deemed qualified by the department. Any person who applies for a one-auction license shall attest, on forms provided by the department, and furnish to the department, satisfactory proof that the license applicant or any auctioneer affiliated with

the applicant meets the following requirements:

- (A) Has a good reputation;
- (B) Is of trustworthy character;
- (C) Has attained the age of at least eighteen years;
- (D) Has a general knowledge of the requirements of the Revised Code relative to auctioneers, the auction profession, and the principles involved in conducting an auction;
- (E) Has two years of professional auctioneering experience immediately preceding the date of application and the experience includes the personal conduct by the applicant of at least twelve auction sales in any state, or has met the requirements of section 4707.12 of the Revised Code;
- (F) Has paid a fee of one hundred dollars, which shall be credited to the auctioneers fund;
- (G) Has provided proof of the bond required under section 4707.11 of the Revised Code.

Sec. 4707.08. (A) The department of ~~commerce~~ agriculture shall hold written examinations four times each year for the purpose of testing the qualifications required for obtaining a license under section 4707.07 of the Revised Code and twelve times each year for obtaining a license under section 4707.09 of the Revised Code. In addition to the written examination, auctioneer license applicants shall pass an oral examination administered by the state auctioneers commission on the same date and at the same location as the written examination. An examination shall not be required for the renewal of any license unless such license has been revoked, suspended, or allowed to expire without renewal, in which case the applicant shall take and pass the appropriate examinations offered by the department.

An examination fee of twenty-five dollars shall be collected from each person taking the auctioneer examination and fifteen dollars from each person taking the apprentice auctioneer examination to defray expenses of holding such examinations.

(B) All applications and proofs must be filed by each applicant before the scheduled date of examination, and must be accompanied by a bond and license fee.

Sec. 4707.09. The department of ~~commerce~~ agriculture may grant apprentice auctioneers' licenses to those persons deemed qualified by the department. Every applicant for an apprentice auctioneer's license must pass an examination relating to the skills, knowledge, and statutes and regulations governing auctioneers. Every applicant for an apprentice auctioneer's license shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

- (A) Has a good reputation;
- (B) Is of trustworthy character;
- (C) Has attained the age of at least eighteen years;

(D) Has obtained a written promise of a licensed auctioneer to sponsor the applicant during ~~his~~ the applicant's apprenticeship.

Before an apprentice may take the auctioneer's license examination, ~~he~~ the apprentice shall serve an apprenticeship of at least twelve months, successfully complete a course of study in auctioneering at an institution that is approved every three years by the state auctioneers commission, and conduct, as a bid caller, at least twelve auction sales under the direct supervision of the sponsoring licensed auctioneer, which sales shall be certified by the licensed auctioneer on the apprentice's application for an auctioneer's license.

If an auctioneer intends to terminate ~~his~~ sponsorship of an apprentice auctioneer, the sponsoring auctioneer shall notify the apprentice auctioneer of ~~his~~ the sponsoring auctioneer's intention by certified mail, return receipt requested, at least ten days prior to the effective date of termination and, at the same time, shall deliver or mail by certified mail to the department of ~~commerce~~ agriculture a copy of the termination notice and the license of the apprentice auctioneer. No apprentice auctioneer shall perform any acts under authority of ~~his~~ the apprentice's license after the effective date of the termination until ~~he~~ the apprentice receives a new license bearing the name and address of ~~his~~ the apprentice's new sponsor. No more than one license shall be issued to any apprentice auctioneer for the same period of time.

No licensed auctioneer shall have under ~~his~~ the licensed auctioneer's sponsorship more than two apprentice auctioneers at one time.

An apprentice auctioneer may terminate ~~his~~ the apprentice's sponsorship with an auctioneer by notifying the auctioneer of ~~his~~ the apprentice's intention by certified mail, return receipt requested, at least ten days prior to the effective date of termination. At the same time, ~~he~~ the apprentice shall deliver or mail by certified mail to the department of ~~commerce~~ agriculture a copy of the termination notice. Upon receiving the termination notice, the sponsoring auctioneer shall promptly deliver or mail by certified mail to the department the license of the apprentice auctioneer.

The termination of a sponsorship, regardless of who initiates the termination, shall not be cause for an apprentice auctioneer to lose credit for any certified sales ~~he~~ the apprentice conducted or apprenticeship time ~~he~~ the apprentice served under the direct supervision of the former sponsor.

Sec. 4707.10. (A) The fee for each auctioneer's, apprentice auctioneer's, or special auctioneer's license issued by the department of ~~commerce~~

agriculture is one hundred dollars, and the annual renewal fee for any such license is one hundred dollars. All licenses expire annually on the last day of June of each year and shall be renewed according to the standard renewal procedures of Chapter 4745. of the Revised Code, or the procedures of this section. Any licensee under this chapter who wishes to renew ~~his~~ the licensee's license but fails to do so before the first day of July shall reapply for licensure in the same manner and pursuant to the same requirements as for initial licensure, unless before the first day of September of the year of expiration, the former licensee pays to the department, in addition to the regular renewal fee, a late renewal penalty of one hundred dollars.

(B) Any person who fails to renew ~~his~~ the person's license before the first day of July is prohibited from engaging in any activity specified or comprehended in section 4707.01 of the Revised Code until such time as ~~his~~ the person's license is renewed or a new license is issued. Renewal of a license between the first day of July and the first day of September does not relieve any person from complying with this division. The department may refuse to renew the license of or issue a new license to any person who violates this division.

(C) The department shall prepare and deliver to each licensee a permanent license certificate and an annual renewal card, the appropriate portion of which shall be carried on the person of the licensee at all times when engaged in any type of auction activity, and part of which shall be posted with the permanent certificate in a conspicuous location at the licensee's place of business.

(D) Notice in writing shall be given to the department by each auctioneer or apprentice auctioneer licensee of any change of principal business location or any change or addition to the name or names under which business is conducted, whereupon the department shall issue a new license for the unexpired period. Any change of business location or change or addition of names without notification to the department shall automatically cancel any license previously issued. For each new auctioneer or apprentice auctioneer license issued upon the occasion of a change in business location or a change in or an addition of names under which business is conducted, the department may collect a fee of ten dollars for each change in location, or name or each added name unless the notification of the change occurs concurrently with the renewal application.

Sec. 4707.11. Each application for an auctioneer's, apprentice auctioneer's, or auction company license shall be accompanied by a bond in the sum of ten thousand dollars, except that:

(A) An individual licensed as an auctioneer under this chapter that

applies for an auction company license shall not be required to file a bond for the auction company license if the applicant has filed a bond in connection with the auctioneer's license.

(B) A partnership, association, or corporation that applies for an auction company license shall file a blanket bond in the name of such partnership, association, or corporation in an amount equal to ten thousand dollars times the number of members, employees, or officers thereof who are authorized to perform the functions of an auctioneer as agents of the applicant. The maximum total amount payable under such blanket bond for a failure of each such individual member or officer of the applicant to conduct business in accordance with sections 4707.01 to 4707.22 of the Revised Code shall be ten thousand dollars.

(C) A licensed auctioneer member, employee, or officer of a partnership, association, or corporation licensed as an auction company under this chapter shall not be required to file a bond in ~~his~~ the licensee's own name in connection with ~~his~~ the auctioneer's license; except that if such auctioneer acts at any time in any auction capacity other than as an agent for such auction company, the auctioneer must file an individual bond, as set forth in this section. The bond may be either a cash bond or a surety bond and, if a surety bond, it shall be executed by a surety company authorized to do business in this state. Such surety bond shall be made to the department of agriculture and the bond shall be conditioned that the applicant shall conduct ~~his~~ the applicant's business in accordance with sections 4707.01 to 4707.22 of the Revised Code. All bonds shall be in a form approved by the department.

The department shall not issue an auctioneer's, apprentice auctioneer's, or auction company license until bond has been filed in accordance with this section.

Sec. 4707.111. The state, through the department of ~~commerce~~ agriculture and in accordance with this chapter, shall solely regulate auctioneers and the conduct of auction sales.

By enactment of this chapter, it is the intent of the general assembly to preempt municipal corporations and other political subdivisions from the regulation and licensing of auctioneers and auction sales.

At least twenty-four hours prior to an auction, the person licensed under this chapter to conduct the auction shall notify the chief of police of the municipal corporation in which the auction site is located, or if the site is in the unincorporated area of a county, the county sheriff as to the location and time of the auction and give to that officer a general description of the items offered for sale.

Sec. 4707.12. A nonresident may operate as an auctioneer, apprentice auctioneer, or special auctioneer within the state by conforming to this chapter.

The department of ~~commerce~~ agriculture may, within its discretion, waive the testing and schooling requirements for a nonresident, provided ~~he~~ the nonresident holds a valid auctioneer or apprentice auctioneer license issued by a state with which the department has entered into a reciprocal licensing agreement. Nonresidents wishing to so operate in this state shall make application in writing to the department and furnish the department with proof of their ability to conduct an auction, proof of license and bond if they reside in a state with these requirements, as well as other information which the department may request.

This section does not apply to nonresident auctioneers who reside in states under the laws of which similar recognition and courtesies are not extended to licensed auctioneers of this state.

Sec. 4707.13. Any nonresident who applies for permission to operate as an auctioneer within this state shall file an irrevocable consent with the department of ~~commerce~~ agriculture that suits and actions may be commenced against such applicant in any court of competent jurisdiction within this state by service of process upon the secretary of state. Said consent shall agree that the service of such process shall be held in all courts to be valid and binding as if service had been made upon the applicant within this state.

Sec. 4707.15. The department of ~~commerce~~ agriculture may suspend or revoke the license of any auctioneer, apprentice auctioneer, or special auctioneer for any of the following causes:

- (A) Obtaining a license through false or fraudulent representation;
- (B) Making any substantial misrepresentation in an application for an auctioneer's, apprentice auctioneer's, or special auctioneer's license;
- (C) A continued course of misrepresentation or for making false promises through agents, advertising, or otherwise;
- (D) Failing to account for or remit, within a reasonable time, any money belonging to others that comes into ~~his~~ the licensee's possession, and for commingling funds of others with ~~his~~ the licensee's own, or failing to keep such funds of others in an escrow or trustee account, except that in the case of a transaction involving real estate, such funds shall be maintained in accordance with division (A)(26) of section 4735.18 of the Revised Code;
- (E) Paying valuable consideration to any person who has violated this chapter;
- (F) Conviction in a court of competent jurisdiction of this state or any

other state of a criminal offense involving fraud or a felony;

(G) Violation of this chapter;

(H) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer;

(I) Any conduct of an auctioneer which demonstrates bad faith, dishonesty, incompetency, or untruthfulness;

(J) Any other conduct that constitutes improper, fraudulent, or dishonest dealings;

(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;

(L) The use of any power of attorney to circumvent this chapter;

(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~~ agriculture and has filed a bond;

(N) Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction;

(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.

Sec. 4707.152. In lieu of suspending or revoking a license under section 4707.15 of the Revised Code, the department of ~~commerce~~ agriculture may issue a written reprimand to any licensee who violates any provision of this chapter.

Sec. 4707.16. (A) The department of ~~commerce~~ agriculture may, upon its own motion, and shall upon the verified written complaint of any person, investigate the actions of any auctioneer, apprentice auctioneer, or special auctioneer, any applicant for an auctioneer's, apprentice auctioneer's, or special auctioneer's license, or any person who assumes to act in that capacity, if the complaint, together with other evidence presented in connection with it, makes out a prima-facie case.

If the department determines that any such applicant is not entitled to receive a license, a license shall not be granted to such applicant, and if the department determines that any licensee is guilty of a violation of section 4707.14 or 4707.15 of the Revised Code, the department may suspend or revoke the license. Any auctioneer, apprentice auctioneer, or special auctioneer who has had ~~his~~ the auctioneer's, apprentice auctioneer's, or

special auctioneer's license revoked shall not be issued another such license for a period of two years from the date of revocation.

(B) The department of ~~commerce~~ may investigate complaints concerning the violation of sections 4707.02 and 4707.15 of the Revised Code and may subpoena witnesses in connection with such investigations as provided in this section. The department may make application to the court of common pleas for an order enjoining the violation of sections 4707.02 and 4707.15 of the Revised Code, and upon a showing by the department that any licensed auctioneer, apprentice auctioneer, or special auctioneer has violated or is about to violate section 4707.15 of the Revised Code, or any person has violated or is about to violate section 4707.02 of the Revised Code, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.

(C) The department of ~~commerce~~ may compel by subpoena the attendance of witnesses to testify in relation to any matter over which it has jurisdiction and which is the subject of inquiry and investigation by it, and require the production of any book, paper, or document pertaining to such matter. In case any person fails to file any statement or report, obey any subpoena, give testimony, or produce any books, records, or papers as required by such a subpoena, the court of common pleas of any county in the state, upon application made to it by the department, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify therein.

(D) When the department determines that a person not licensed under this chapter is engaged in or is believed to be engaged in activities for which a license is required under this chapter, the department may issue an order to that person requiring ~~him~~ the person to show cause as to why ~~he~~ the person should not be subject to licensing under this chapter. If the department, after a hearing, determines that the activities in which the person is engaged are subject to licensing under this chapter, the department may issue a cease-and-desist order which shall describe the person and activities which are subject to the order. A cease-and-desist order issued under this section shall be enforceable in and may be appealed to the common pleas courts of this state under Chapter 119. of the Revised Code.

Sec. 4707.19. The department of ~~commerce~~ agriculture may make reasonable rules necessary for the implementation of the provisions of this chapter pursuant to Chapter 119. of the Revised Code. The department may hear testimony in matters relating to the duties imposed on it, and any person authorized by the director of ~~commerce~~ agriculture may administer

oaths. The department may require other proof of the honesty, truthfulness, and good reputation of any person named in the application for an auctioneer's, apprentice auctioneer's, or special auctioneer's license before admitting the applicant to an examination or issuing a license.

Sec. 4707.20. (A) No person shall act as an auctioneer or special auctioneer on a sale at auction until the person has first entered into a written contract or agreement in duplicate with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee receives or accepts the property for sale at auction. The contracts or agreements shall, for a period of two years, be kept on file in the office of every person so licensed. No apprentice auctioneer shall be authorized to enter into such contract or agreement without the written consent of the apprentice auctioneer's sponsoring auctioneer and all contracts or agreements shall be made in the name of and on behalf of the sponsoring auctioneer.

(B) On all contracts or agreements between an auctioneer or special auctioneer and the owner or consignee, there shall appear a prominent statement indicating that the auctioneer or special auctioneer is licensed by the department of ~~commerce~~ agriculture, and is bonded in favor of the state.

(C) The auctioneer or special auctioneer who contracts with the owner is liable for the settlement of all money received, including the payment of all expenses incurred only by the licensee and the distribution of all funds, in connection with an auction.

Sec. 4707.21. No auctioneer, apprentice auctioneer, or special auctioneer shall willfully neglect or refuse to furnish the department of ~~commerce~~ agriculture statistics or other information in ~~his~~ the auctioneer's, apprentice auctioneer's, or special auctioneer's possession or under ~~his~~ the auctioneer's, apprentice auctioneer's, or special auctioneer's control, which ~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer is authorized to collect; nor shall ~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer neglect or refuse, for more than thirty days, to answer questions submitted on circulars; nor shall ~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer knowingly answer any such questions falsely; nor shall ~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer refuse to obey subpoenas and give testimony. Licensees shall keep records relative to any auction sale for at least two years from the date of sale. These records shall include settlement sheets, written contracts, and copies of any advertising that lists the items for sale.

Sec. 4707.23. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the department of ~~commerce~~ agriculture shall comply with

sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Sec. 4707.99. (A) Whoever acts as an auctioneer, apprentice auctioneer, or special auctioneer as defined in section 4707.01 of the Revised Code, without first obtaining a license, upon conviction thereof, shall be fined not less than one hundred nor more than one thousand dollars, or imprisoned not more than ninety days, or both.

(B) Whoever violates this chapter or any rule promulgated by the department of ~~commerce~~ agriculture in the administration of this chapter, for the violation of which no penalty is provided, shall be fined not less than fifty nor more than two hundred dollars.

(C) Whoever violates section 4707.151 of the Revised Code shall be fined not more than fifty thousand dollars, or imprisoned not more than one year, or both.

Sec. 4713.10. The state board of cosmetology shall charge and collect the following fees:

(A) For application to take the examination for a license to practice cosmetology, or any branch thereof, twenty-one dollars;

(B) For the re-examination of any applicant who has previously failed to pass the examination, ~~fourteen~~ twenty-one dollars;

(C) For the issuance or renewal of a cosmetology, manicurist, or esthetics instructor's license, thirty dollars;

(D) For the issuance or renewal of a managing cosmetologist's, managing manicurist's, or managing esthetician's license, thirty dollars;

(E) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;

(F) For the inspection and issuance of a new beauty salon, nail salon, or esthetics salon or the change of name or ownership of a beauty salon, nail salon, or esthetics salon license, sixty dollars;

(G) For the renewal of a beauty salon, nail salon, or esthetics salon license, fifty dollars;

(H) For the issuance or renewal of a cosmetologist's, manicurist's, or esthetician's license, thirty dollars;

(I) For the restoration of any lapsed license which may be restored pursuant to section 4713.11 of the Revised Code, and in addition to the payments required by that section, thirty dollars;

(J) For the issuance of a license under section 4713.09 of the Revised Code, sixty dollars;

(K) For the issuance of a duplicate of any license, fifteen dollars;

(L) For the preparation and mailing of a licensee's records to another state for a reciprocity license, fifty dollars;

(M) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional twenty dollars.

Each applicant shall, in addition to the fees specified, furnish the applicant's own models.

Sec. 4715.03. (A) The state dental board shall organize by the election from its members of a president and a secretary. It shall hold meetings monthly at least eight months a year at such times and places as the board designates. A majority of the members of the board shall constitute a quorum. The board shall make such reasonable rules as it determines necessary pursuant to Chapter 119. of the Revised Code.

(B) A concurrence of a majority of the members of the board shall be required to grant, refuse, suspend, place on probationary status, revoke, refuse to renew, or refuse to reinstate a license or censure a license holder.

(C) The board shall adopt rules establishing standards for the safe practice of dentistry and dental hygiene by qualified practitioners and shall, through its policies and activities, promote such practice.

The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing universal blood and body fluid precautions that shall be used by each person licensed under this chapter who performs exposure prone invasive procedures. The rules shall define and establish requirements for universal blood and body fluid precautions that include the following:

- (1) Appropriate use of hand washing;
- (2) Disinfection and sterilization of equipment;
- (3) Handling and disposal of needles and other sharp instruments;
- (4) Wearing and disposal of gloves and other protective garments and devices.

(D) The board shall administer and enforce the provisions of this chapter. The board shall investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter. In the absence of bad faith, any person who reports such information or who testifies before the board in any disciplinary proceeding conducted pursuant to Chapter 119. of the Revised Code is not liable for civil damages as a result of ~~his~~ making the report or providing testimony. If after investigation the board determines that there are reasonable grounds to believe that a violation of this chapter has occurred, the board shall conduct disciplinary

proceedings pursuant to Chapter 119. of the Revised Code or provide for a license holder to participate in the quality intervention program established under section 4715.031 of the Revised Code. The board shall not dismiss any complaint or terminate any investigation except by a majority vote of its members. For the purpose of any disciplinary proceeding or any investigation conducted ~~prior to a disciplinary proceeding~~ under this division, the board may administer oaths, order the taking of depositions, issue subpoenas, compel the attendance and testimony of persons at depositions and compel the production of books, accounts, papers, documents, or other tangible things. The hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.251 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of this chapter has occurred are confidential and are not subject to discovery in any civil action.

(E) The board shall examine or cause to be examined eligible applicants to practice dentistry and dental hygiene. The board may distinguish by rule different classes of qualified personnel according to skill levels and require all or only certain of these classes of qualified personnel to be examined and certified by the board.

(F) In accordance with Chapter 119. of the Revised Code, the board shall adopt, and may amend or rescind, rules establishing the eligibility criteria, the application and permit renewal procedures, and safety standards applicable to a dentist licensed under this chapter who applies for a permit to employ or use conscious intravenous sedation. These rules shall include all of the following:

- (1) The eligibility requirements and application procedures for an eligible dentist to obtain a conscious intravenous sedation permit;
- (2) The minimum educational and clinical training standards required of applicants, which shall include satisfactory completion of an advanced cardiac life support course;
- (3) The facility equipment and inspection requirements;
- (4) Safety standards;
- (5) Requirements for reporting adverse occurrences.

Sec. 4715.031. (A) The state dental board shall develop and implement a quality intervention program. The board may propose that the holder of a license issued by the board participate in the program if the board determines pursuant to an investigation conducted under section 4715.03 of the Revised Code that there are reasonable grounds to believe the license

holder has violated a provision of this chapter due to a clinical or communication problem that could be improved through participation in the program and determines that the license holder's participation in the program is appropriate. The board shall refer a license holder who agrees to participate in the program to an educational and assessment service provider selected by the board.

The board shall select educational and assessment service providers, which may include quality intervention program panels of case reviewers. A provider selected by the board to provide services to a license holder shall recommend to the board the educational and assessment services the license holder should receive under the program. The license holder may begin participation in the program if the board approves the services the provider recommends. The license holder shall pay the amounts charged by the provider for the services.

The board shall monitor a license holder's progress in the program and determine whether the license holder has successfully completed the program. If the board determines that the license holder has successfully completed the program, it may continue to monitor the license holder, take other action it considers appropriate, or both. If the board determines that the license holder has not successfully completed the program, it shall commence disciplinary proceedings against the license holder under section 4715.03 of the Revised Code.

The board may adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

Sec. 4715.13. Applicants for licenses to practice dentistry or for a general anesthesia permit or a conscious intravenous sedation permit shall pay to the secretary of the state dental board the following fees:

(A) For license by examination, one hundred ~~forty-one~~ ninety dollars if issued in an odd-numbered year or ~~two three hundred thirty-five~~ seventeen dollars if issued in an even-numbered year;

(B) For license by endorsement, one hundred ~~forty-one~~ ninety dollars if issued in an odd-numbered year or ~~two three hundred thirty-five~~ seventeen dollars if issued in an even-numbered year;

(C) For duplicate license, to be granted upon proof of loss of the original, ~~fifteen~~ twenty dollars;

(D) For a general anesthesia permit, ~~ninety-four~~ one hundred twenty-seven dollars;

(E) For a conscious intravenous sedation permit, ~~ninety-four~~ one hundred twenty-seven dollars.

The fee in division (A) of this section may be refunded to an applicant

who is unavoidably prevented from attending the examination, or the applicant may be examined at the next regular or special meeting of the board without an additional fee.

An applicant who fails the first examination may be re-examined at the next regular or special meeting of the board without an additional fee.

Sec. 4715.14. (A) Each person who is licensed to practice dentistry in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as the board may consider necessary, and shall include payment of a biennial registration fee of ~~one two hundred sixty-three~~ twenty dollars. This fee shall be paid to the treasurer of state. All such registrations shall be in effect for the two-year period beginning on the first day of January of the even-numbered year and ending on the last day of December of the following odd-numbered year, and shall be renewed in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code. The failure of a licensee to renew the licensee's registration in accordance with this section shall result in an automatic suspension of the licensee's license to practice dentistry.

(B) Any dentist whose license has been suspended under this section may be reinstated by the payment of the biennial registration fee and in addition thereto ~~sixty~~ sixty-eighty-one dollars to cover costs of the reinstatement; excepting that to any licensed dentist who desires to temporarily retire from practice, and who has given the board notice in writing to that effect, the board shall grant such a retirement, provided only that at that time all previous registration fees and additional costs of reinstatement have been paid.

(C) Each dentist licensed to practice, whether a resident or not, shall notify the secretary in writing of any change in the dentist's office address or employment within ten days after such change has taken place. On the first day of July of every even-numbered year, the secretary shall issue a printed roster of the names and addresses so registered.

Sec. 4715.16. (A) Upon payment of a fee of ~~seven ten~~ ten dollars ~~and fifty cents~~, the state dental board may without examination issue a limited resident's license to any person who is a graduate of a dental college, is authorized to practice in another state or country or qualified to take the regular licensing examination in this state, and furnishes the board satisfactory proof of having been appointed a dental resident at an accredited dental college in this state or at an accredited program of a hospital in this

state, but has not yet been licensed as a dentist by the board. Any person receiving a limited resident's license may practice dentistry only in connection with programs operated by the dental college or hospital at which the person is appointed as a resident as designated on the person's limited resident's license, and only under the direction of a licensed dentist who is a member of the dental staff of the college or hospital or a dentist holding a current limited teaching license issued under division (B) of this section, and only on bona fide patients of such programs. The holder of a limited resident's license may be disciplined by the board pursuant to section 4715.30 of the Revised Code.

(B) Upon payment of ~~seventy-five~~ one hundred one dollars and upon application endorsed by an accredited dental college in this state, the board may without examination issue a limited teaching license to a dentist who is a graduate of a dental college, is authorized to practice dentistry in another state or country, and has full-time appointment to the faculty of the endorsing dental college. A limited teaching license is subject to annual renewal in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code, and automatically expires upon termination of the full-time faculty appointment. A person holding a limited teaching license may practice dentistry only in connection with programs operated by the endorsing dental college. The board may discipline the holder of a limited teaching license pursuant to section 4715.30 of the Revised Code.

(C)(1) As used in this division:

(a) "Continuing dental education practicum" or "practicum" means a course of instruction, approved by the American dental association, Ohio dental association, or academy of general dentistry, that is designed to improve the clinical skills of a dentist by requiring the dentist to participate in clinical exercises on patients.

(b) "Director" means the person responsible for the operation of a practicum.

(2) Upon payment of ~~seventy-five~~ one hundred one dollars and application endorsed by the director of a continuing dental education practicum, the board shall, without examination, issue a temporary limited continuing education license to a resident of a state other than Ohio who is licensed to practice dentistry in such state and is in good standing, is a graduate of an accredited dental college, and is registered to participate in the endorsing practicum. The determination of whether a dentist is in good standing shall be made by the board.

A dentist holding a temporary limited continuing education license may practice dentistry only on residents of the state in which the dentist is

nently licensed or on patients referred by a dentist licensed pursuant to section 4715.12 or 4715.15 of the Revised Code to an instructing dentist licensed pursuant to one of those sections, and only while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted.

Practice under a temporary limited continuing education license shall be under the direct supervision and full professional responsibility of an instructing dentist licensed pursuant to section 4715.12 or 4715.15 of the Revised Code, shall be limited to the performance of those procedures necessary to complete the endorsing practicum, and shall not exceed thirty days of actual patient treatment in any year.

(3) A director of a continuing dental education practicum who endorses an application for a temporary limited continuing education license shall, prior to making the endorsement, notify the state dental board in writing of the identity of the sponsors and the faculty of the practicum and the dates and locations at which it will be offered. The notice shall also include a brief description of the course of instruction. The board may prohibit a continuing dental education practicum from endorsing applications for temporary limited continuing education licenses if the board determines that the practicum is engaged in activities that constitute a threat to public health and safety or do not constitute bona fide continuing dental education, or that the practicum permits activities which otherwise violate this chapter. Any continuing dental education practicum prohibited from endorsing applications may request an adjudication pursuant to Chapter 119. of the Revised Code.

A temporary limited continuing education license shall be valid only when the dentist is participating in the endorsing continuing dental education practicum and shall expire at the end of one year. If the dentist fails to complete the endorsing practicum in one year, the board may, upon the dentist's application and payment of a fee of seventy-five dollars, renew the temporary limited continuing education license for a consecutive one-year period. Only two renewals may be granted. The holder of a temporary limited continuing education license may be disciplined by the board pursuant to section 4715.30 of the Revised Code.

(D) The board shall act either to approve or to deny any application for a limited license pursuant to division (A), (B), or (C) of this section not later than sixty days of the date the board receives the application.

Sec. 4715.21. Each person who desires to practice as a dental hygienist shall file with the secretary of the state dental board a written application for a license, under oath, upon the form prescribed. Such applicant shall furnish

satisfactory proof of being at least eighteen years of age and of good moral character. An applicant shall present a diploma or certificate of graduation from an accredited dental hygiene school and shall pay the examination fee of ~~seventy-one~~ ninety-six dollars if the license is issued in an odd-numbered year or one hundred ~~nine~~ forty-seven dollars if issued in an even-numbered year. Those passing such examination as the board prescribes relating to dental hygiene shall receive a certificate of registration entitling them to practice. If an applicant fails to pass the first examination the applicant may apply for a re-examination at the next regular or special examination meeting of the board.

No applicant shall be admitted to more than two examinations without first presenting satisfactory proof that the applicant has successfully completed such refresher courses in an accredited dental hygiene school as the state dental board may prescribe.

An accredited dental hygiene school shall be one accredited by the council on dental education of the American dental association or whose educational standards are recognized by the council on dental education of the American dental association and approved by the state dental board.

Sec. 4715.24. (A) Each person who is licensed to practice as a dental hygienist in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as the board may consider necessary, and shall include payment of a biennial registration fee of ~~seventy-five~~ one hundred one dollars. This fee shall be paid to the treasurer of state. All such registrations shall be in effect for the two-year period beginning on the first day of January of each even-numbered year and ending on the last day of December of the following odd-numbered year, and shall be renewed in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code. The failure of a licensee to renew registration in accordance with this section shall result in the automatic suspension of the licensee's license to practice as a dental hygienist.

(B) Any dental hygienist whose license has been suspended under this section may be reinstated by the payment of the biennial registration fee and in addition thereto ~~twenty-three~~ thirty-one dollars to cover the costs of reinstatement.

(C) The license of a dental hygienist shall be exhibited in a conspicuous place in the room in which the dental hygienist practices. Each dental hygienist licensed to practice, whether a resident or not, shall notify the

secretary in writing of any change in the dental hygienist's office address or employment within ten days after the change takes place.

Sec. 4715.27. The state dental board may issue a license to an applicant who furnishes satisfactory proof of being at least eighteen years of age, of good moral character and who demonstrates, to the satisfaction of the board, knowledge of the laws, regulations, and rules governing the practice of a dental hygienist; who proves, to the satisfaction of the board, intent to practice as a dental hygienist in this state; who is a graduate from an accredited school of dental hygiene and who holds a license by examination from a similar dental board, and who passes an examination as prescribed by the board relating to dental hygiene.

Upon payment of ~~forty-three~~ fifty-eight dollars and upon application endorsed by an accredited dental hygiene school in this state, the state dental board may without examination issue a teacher's certificate to a dental hygienist, authorized to practice in another state or country. A teacher's certificate shall be subject to annual renewal in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code, and shall not be construed as authorizing anything other than teaching or demonstrating the skills of a dental hygienist in the educational programs of the accredited dental hygiene school which endorsed the application.

Sec. 4717.02. (A) There is hereby created the board of embalmers and funeral directors consisting of seven members to be appointed by the governor with the advice and consent of the senate. ~~Four~~ Five members shall be licensed embalmers and practicing funeral directors, each with at least ten consecutive years of experience in this state immediately preceding the date of the person's appointment. ~~One member; one of these members shall be knowledgeable and experienced in operating a crematory and is not required to be, but may be, a licensed embalmer or funeral director.~~ Two members shall represent the public; at least one of ~~the two~~ these members shall be at least sixty years of age.

(B) Terms of office are for five years, commencing on the first day of July and ending on the last day of June. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Before entering upon the duties of the office, each member shall take and file with the secretary of state an oath of office as required by Section 7 of Article XV, Ohio Constitution.

(C) The governor may remove a member of the board for neglect of duty, incompetency, or immoral conduct. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the

ember's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) Each member of the board shall receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day, not to exceed sixty days per year, employed in the discharge of the member's duties as a board member, together with any necessary expenses incurred in the performance of those duties.

Sec. 4717.07. (A) The board of embalmers and funeral directors shall charge and collect the following fees:

(1) For the issuance of an initial embalmer's or funeral director's license, five dollars;

(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;

(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;

(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;

(5) For the biennial renewal of an embalmer's or funeral director's license, ~~sixty one~~ one hundred twenty dollars;

(6) For the initial issuance ~~and renewal~~ of a license to operate a funeral home, one hundred twenty-five dollars and biennial renewal of a license to operate a funeral home, two hundred fifty dollars;

(7) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(8) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(6) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(9) For the initial issuance ~~and renewal~~ of a license to operate an embalming facility, one hundred dollars and biennial renewal of a license to operate an embalming facility, two hundred dollars;

(10) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(11) For the initial issuance ~~and renewal~~ of a license to operate a crematory facility, one hundred dollars and biennial renewal of a license to operate a crematory facility, two hundred dollars;

(12) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(11) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

(13) For the issuance of a duplicate of a license issued under this chapter, four dollars.

(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.

(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.

Sec. 4717.08. (A) Every license issued under this chapter expires on the last day of December of ~~the~~ each even-numbered year of its issuance and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses not renewed by the last day of December of each even-numbered year are lapsed.

(B) A holder of a lapsed license to operate a funeral home, license to operate an embalming facility, or license to operate a crematory facility may reinstate the license with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code.

(C) A holder of a lapsed embalmer's or funeral director's license may reinstate the license with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code, except that if the license is lapsed for more than one hundred eighty days after its expiration date, the holder also shall take and pass the Ohio laws examination for each license as a condition for reinstatement.

Sec. 4717.09. (A) Every two years, licensed embalmers and funeral directors shall attend between twelve and thirty hours of educational programs as a condition for renewal of their licenses. The board of embalmers and funeral directors shall ~~determine, by rule, the educational programs that meet the continuing education requirements and the number of hours a licensee shall attend~~ adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other

third party to assist it in performing functions necessary to administer and enforce the continuing education requirements of this section. A professional organization or association or other third party with whom the board so contracts may charge a reasonable fee for performing these functions to licensees or to the persons who provide continuing education programs.

(B) A person holding both an embalmer's license and a funeral director's license need meet only the continuing education requirements established by the board for one or the other of those licenses in order to satisfy the requirement of division (A) of this section.

(C) The board shall not renew the license of a licensee who fails to meet the continuing education requirements of this section and who has not been granted a waiver or exemption under division (D) of this section.

(D) Any licensee who fails to meet the continuing education requirements of this section because of undue hardship or disability, or who is not actively engaged in the practice of funeral directing or embalming in this state, may apply to the board for a waiver or an exemption. The board shall determine, by rule, the procedures for applying for a waiver or an exemption from continuing education requirements under this section and under what conditions a waiver or an exemption may be granted.

Sec. 4723.062. The board of nursing may solicit and accept grants and services to develop and maintain a program that addresses patient safety and health care issues related to the supply of and demand for nurses and other health care workers. The board shall not solicit or accept a grant or service that interferes with the board's independence or objectivity.

All money received by the board under this section shall be deposited into the nursing special issue fund which is hereby created in the state treasury. The board shall use money in the fund to pay the costs it incurs in implementing this section.

Sec. 4723.08. (A) The board of nursing may impose fees not to exceed the following limits:

(1) For application for licensure by examination to practice nursing as a registered nurse or as a licensed practical nurse, fifty dollars;

(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, fifty dollars;

(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;

(4) For application for a temporary dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised

Code;

(5) For application for a full dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;

(6) For application for a certificate to prescribe, fifty dollars;

(7) For verification of a nursing license, certificate of authority, or dialysis technician certificate to another jurisdiction, fifteen dollars;

(8) For providing a replacement copy of a nursing license, certificate of authority, or dialysis technician certificate, fifteen dollars;

(9) For biennial renewal of a nursing license that expires on or before August 31, 2003, thirty-five dollars;

(10) ~~Except as provided in division (C) of this section, for~~ For biennial renewal of a nursing license that expires on or after September 1, 2003, forty-five dollars;

(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;

(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;

~~(11)~~(13) For renewal of a certificate to prescribe, fifty dollars;

~~(12)~~(14) For biennial renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;

~~(13)~~(15) For processing a late application for renewal of a nursing license, certificate of authority, or dialysis technician certificate, fifty dollars;

~~(14)~~(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;

~~(15)~~(17) For application for authorization to approve continuing nursing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;

~~(16)~~(18) For each year for which authorization to approve continuing nursing education programs and courses is renewed, one hundred fifty dollars;

~~(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;

~~(18)~~(20) For reinstatement of a lapsed nursing license ~~or~~, certificate of authority, or dialysis technician certificate, one hundred dollars;

~~(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.

(22) For processing a check returned to the board by a financial institution as noncollectible, twenty-five dollars.

(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.

~~(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.~~

Sec. 4723.32. This chapter does not prohibit any of the following:

(A) The practice of nursing by a student currently enrolled in and actively pursuing completion of a prelicensure nursing education program approved by the board of nursing, if the student's practice is under the auspices of the program and the student acts under the supervision of a registered nurse serving for the program as a faculty member, teaching assistant, or preceptor;

(B) The rendering of medical assistance to a licensed physician, licensed dentist, or licensed podiatrist by a person under the direction, supervision, and control of such licensed physician, dentist, or podiatrist;

(C) The activities of persons employed as nursing aides, attendants, orderlies, or other auxiliary workers in patient homes, nurseries, nursing homes, hospitals, home health agencies, or other similar institutions;

(D) The provision of nursing services to family members or in emergency situations;

(E) The care of the sick when done in connection with the practice of religious tenets of any church and by or for its members;

(F) The practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner by a student currently enrolled in and actively pursuing

completion of a program of study leading to initial authorization by the board to practice nursing in the specialty, if both of the following are the case:

(1) The program qualifies the student to sit for the examination of a national certifying organization listed in division (A)(3) of section 4723.41 of the Revised Code or approved by the board under section 4723.46 of the Revised Code; or the program prepares the student to receive a master's degree in accordance with division (A)(2) of section 4723.41 of the Revised Code;

(2) The student's practice is under the auspices of the program and the student acts under the supervision of a registered nurse serving for the program as a faculty member, teaching assistant, or preceptor.

(G) The activities of an individual who currently holds a license to practice nursing in another jurisdiction, if the individual's license has not been revoked, the individual is not currently under suspension or on probation, the individual does not represent the individual as being licensed under this chapter, and one of the following is the case:

(1) The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract with the United States government or any agency thereof;

(2) The individual is engaging in the practice of nursing as an employee of an individual, agency, or corporation located in the other jurisdiction in a position with employment responsibilities that include transporting patients into, out of, or through this state, as long as each trip in this state does not exceed seventy-two hours;

(3) The individual is consulting with an individual licensed in this state to practice any health-related profession;

(4) The individual is engaging in activities associated with teaching in this state as a guest lecturer at or for a nursing education program, continuing nursing education program, or in-service presentation;

(5) The individual is conducting evaluations of nursing care that are undertaken on behalf of an accrediting organization, including the national league for nursing accrediting committee, the joint commission on accreditation of healthcare organizations, or any other nationally recognized accrediting organization;

(6) The individual is providing nursing care to an individual who is in this state on a temporary basis, not to exceed six months in any one calendar year, if the nurse is directly employed by or under contract with the individual or a guardian or other person acting on the individual's behalf;

(7) The individual is providing nursing care during any disaster, natural

or otherwise, that has been officially declared to be a disaster by a public announcement issued by an appropriate federal, state, county, or municipal official.

Sec. 4723.79. The board of nursing shall adopt rules to administer and enforce sections 4723.71 to 4723.79 of the Revised Code. The board shall adopt the rules in accordance with Chapter 119. of the Revised Code. The rules shall establish or specify all of the following:

(A) The application process, fee, and requirements for approval, reapproval, and withdrawing the approval of a dialysis training program under section 4723.74 of the Revised Code. The requirements shall include standards that must be satisfied regarding curriculum, length of training, and instructions in patient care.

(B) The application process, fee, and requirements for issuance of a certificate under section 4723.75 of the Revised Code, except that the amount of the fee shall be no greater than the fee charged under division (A)(1) of section 4723.08 of the Revised Code;

(C) The application process, fee, and requirements for issuance of a temporary certificate under section 4723.76 of the Revised Code;

(D) The process for approval of testing organizations under section 4723.751 of the Revised Code;

(E) Subjects to be included in a certification examination provided for in division (B)(1) of section 4723.75 of the Revised Code;

(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 or, effective September 1, 2003, division (A)(10) of that section;

(G) Standards and procedures for establishing and maintaining the dialysis registry required by section 4723.78 of the Revised Code, including standards and procedures that persons must follow in providing the information to be included in the registry;

(H) Standards for the administration of medication by dialysis technicians under section 4723.72 of the Revised Code;

(I) The information a dialysis provider is to provide to the board when attesting to a person's competence to perform dialysis;

(J) Standards and procedures for the supervision of dialysis technicians who provide dialysis care in a patient's home, including monthly home visits by a registered nurse to monitor the quality of the dialysis care;

(K) Any other procedures or requirements necessary for the administration and enforcement of sections 4723.71 to 4723.79 of the

Revised Code.

Sec. 4725.44. (A) The Ohio optical dispensers board shall be responsible for the administration of sections 4725.40 to 4725.59 of the Revised Code and, in particular, shall process applications for licensure as licensed dispensing opticians; schedule, administer, and supervise the qualifying examinations for licensure or contract with a testing service to schedule, administer, and supervise the qualifying examination for licensure; issue licenses to qualified individuals; revoke and suspend licenses; and maintain adequate records with respect to its operations and responsibilities.

(B) The board shall adopt, amend, or rescind rules, pursuant to Chapter 119. of the Revised Code, for the licensure of dispensing opticians, and such other rules as are required by or necessary to carry out the responsibilities imposed by sections 4725.40 to 4725.59 of the Revised Code.

(C) The board shall have no authority to adopt rules governing the employment of dispensing opticians, the location or number of optical stores, advertising of optical products or services, or the manner in which such products can be displayed.

Sec. 4725.48. (A) Any person who desires to engage in optical dispensing, except as provided in section 4725.47 of the Revised Code, shall file a properly completed written application for an examination with the Ohio optical dispensers board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made on a form provided by the board or testing service and shall be accompanied by an examination fee the board shall establish by rule. Applicants must return the application to the board or testing service at least sixty days prior to the date the examination is scheduled to be administered.

(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.

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.~~

~~(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:~~

(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;

(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.

~~(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

ely 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:

(1) Provides public notice as to the date, time, and place for each examination at least ninety days prior to the examination;

(2) Offers each qualifying examination at least twice each year in Columbus, except as provided in division (C) of this section;

(3) Provides to each applicant all forms necessary to apply for examination;

(4) Provides all materials and equipment necessary for the applicant to take the examination.

(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.

(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.

Sec. 4731.14. (A) As used in this section, "graduate medical education" has the same meaning as in section 4731.091 of the Revised Code.

(B) The state medical board shall issue its certificate to practice medicine and surgery or osteopathic medicine and surgery as follows:

(1) The board shall issue its certificate to each individual who was admitted to the board's examination by meeting the educational requirements specified in division (B)(1) or (3) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred dollars, and submits evidence satisfactory to the board that the individual has successfully completed not less than twelve months of graduate medical education or its equivalent as determined by the board.

(2) Except as provided in section 4731.142 of the Revised Code, the board shall issue its certificate to each individual who was admitted to the board's examination by meeting the educational requirements specified in division (B)(2) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred dollars, submits evidence satisfactory to the board that the individual has successfully completed not less than twenty-four months of graduate

ical education through the second-year level of graduate medical education or its equivalent as determined by the board, and, if the individual passed the examination prior to completing twenty-four months of graduate medical education or its equivalent, the individual continues to meet the moral character requirements for admission to the board's examination.

(C) Each certificate issued by the board shall be signed by its president and secretary, and attested by its seal. The certificate shall be on a form prescribed by the board and shall indicate the medical degree held by the individual to whom the certificate is issued. If the individual holds the degree of doctor of medicine, the certificate shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state. If the individual holds the degree of doctor of osteopathic medicine, the certificate shall state that the individual is authorized to practice osteopathic medicine and surgery pursuant to the laws of this state. If the individual holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the certificate shall indicate the diploma, degree, or other document issued by the medical school or institution the individual attended and shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state.

(D) The certificate shall be prominently displayed in the certificate holder's office or place where a major portion of the certificate holder's practice is conducted and shall entitle the holder to practice either medicine and surgery or osteopathic medicine and surgery provided the certificate holder maintains current registration as required by section 4731.281 of the Revised Code and provided further that such certificate has not been revoked, suspended, or limited by action of the state medical board pursuant to this chapter.

(E) An affirmative vote of not less than six members of the board is required for the issuance of a certificate.

~~(F) If an individual receives an initial or renewed training certificate under section 4731.291 of the Revised Code and not later than four months thereafter applies for a certificate under this section, the fee required by division (B)(1) of this section shall be reduced by the amount of the fee paid for the training certificate.~~

Sec. 4731.281. (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 education. The certification shall be made upon the application for biennial registration submitted pursuant to division (B) of this section. The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education required for persons who are in their first registration period, who have a registration period of less than two years due to initial implementation of the staggered renewal schedule established under division (B) of this section, who have been disabled due to illness or accident, or who have been absent from the country.

In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all continuing medical education taken by persons holding a certificate to practice medicine and surgery that is certified by the Ohio state medical association, all continuing medical education taken by persons holding a certificate to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association, and all continuing medical education taken by persons holding a certificate to practice podiatry that is certified by the Ohio podiatric medical association. Each person holding a certificate to practice under this chapter shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level.

The board may require a random sample of persons holding a certificate to practice under this chapter to submit materials documenting completion of the continuing medical education requirement during the preceding registration period, but this provision shall not limit the board's authority to investigate pursuant to section 4731.22 of the Revised Code.

(B)(1) Every person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery wishing to renew that certificate shall apply to the board for a certificate of registration upon an application furnished by the board, and pay to the board at the time of application a fee of three hundred five dollars, according to the following schedule:

(a) Persons whose last name begins with the letters "A" through "B," on or before April 1, 2001, and the first day of April of every odd-numbered year thereafter;

(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(c) Persons whose last name begins with the letters "E" through "G," on

or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(f) Persons whose last name begins with the letters "N" through "R," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(g) Persons whose last name begins with the letters "S," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;

(h) Persons whose last name begins with the letters "T" through "Z," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter.

The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that, ~~until July 30, 2001,~~ the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.

(2) The board shall mail or cause to be mailed to every person registered to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, an application for registration addressed to the person's last known post-office address or may cause the application to be sent to the person through the secretary of any recognized medical, osteopathic, or podiatric society, according to the following schedule:

(a) To persons whose last name begins with the letters "A" through "B," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(b) To persons whose last name begins with the letters "C" through "D," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(c) To persons whose last name begins with the letters "E" through "G," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(d) To persons whose last name begins with the letters "H" through "K," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(e) To persons whose last name begins with the letters "L" through "M,"

on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;

(f) To persons whose last name begins with the letters "N" through "R," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;

(g) To persons whose last name begins with the letters "S," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter;

(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd-numbered year thereafter;

Failure of any person to receive an application from the board shall not excuse the person from the requirements contained in this section. The application shall contain proper spaces for the applicant's signature and the insertion of the required information, including a statement that the person has fulfilled the continuing education requirements imposed by this section.

The applicant shall write or cause to be written upon the application so furnished the applicant's full name, principal practice address and residence address, the number of the applicant's certificate to practice, and any other facts for the identification of the applicant as a person holding a certificate to practice under this chapter as the board considers necessary. The applicant shall include with the application a list of the names and addresses of any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners with whom the applicant is currently collaborating, as defined in section 4723.01 of the Revised Code. The applicant shall execute and deliver the application to the board by mail or in person. Every person registered under this section shall give written notice to the board of any change of principal practice address or residence address or in the list within thirty days of the change.

The applicant shall report any criminal offense that constitutes grounds for refusal of registration under section 4731.22 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a certificate of registration.

(C) The board shall issue to any person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, upon application and qualification therefor in accordance with this section, a certificate of registration under the seal of the board. A certificate of registration shall be valid for a

two-year period, commencing on the first day of the third month after the registration fee is due and expiring on the last day of the month two years thereafter.

The board shall publish and cause to be mailed to each person registered under this section, upon request, a printed list of the persons so registered.

(D) Failure of any certificate holder to register and comply with this section shall operate automatically to suspend the holder's certificate to practice. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of section 4731.41, 4731.43, or 4731.60 of the Revised Code. If the certificate has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate a certificate to practice for failure to register upon an applicant's submission of the biennial registration fee, the applicable monetary penalty, and certification by signature of the applicant that the applicant has completed the requisite continuing medical education. The penalty for reinstatement shall be fifty dollars. If the certificate has been suspended pursuant to this division for more than two years, 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 school graduation. When the entrance examiner finds the preliminary education of the applicant sufficient, the entrance examiner shall issue a certificate of preliminary examination upon the payment to the treasurer of the board of a fee of thirty-five dollars. Such certificate shall be attested by the secretary.

The applicant shall also present a diploma from a college of podiatric medicine and surgery in good standing as defined by the board at the time the diploma was issued. The applicant shall present an affidavit that the applicant is the person named in the diploma and is the lawful possessor thereof stating the applicant's age, residence, the school at which the applicant obtained education in podiatric medicine and surgery, the time spent in the study of podiatric medicine and surgery, and such other facts as the board may require.

The applicant shall also present proof of completion of one year of postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the council on podiatric medical education or the American podiatric medical association.

Sec. 4731.573. (A) An individual seeking to pursue an internship, residency, or clinical fellowship program in podiatric medicine and surgery in this state, who does not hold a certificate to practice podiatric medicine and surgery issued under this chapter, shall apply to the state medical board for a training certificate. The application shall be made on forms that the board shall furnish and shall be accompanied by an application fee of seventy-five dollars.

An applicant for a training certificate shall furnish to the board all of the following:

(1) Evidence satisfactory to the board that the applicant is at least eighteen years of age and is of good moral character;

(2) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate in this state in one of the following:

(a) An internship or residency program accredited by either the council on podiatric medical education or the American podiatric medical association;

(b) A clinical fellowship program at an institution with a residency program accredited by either the council on podiatric medical education or

the American podiatric medical association that is in a clinical field the same as or related to the clinical field of the fellowship program.

(3) Information identifying the beginning and ending dates of the period for which the applicant has been accepted or appointed to participate in the internship, residency, or clinical fellowship program;

(4) Any other information that the board requires.

(B) If no grounds for denying a certificate under section 4731.22 of the Revised Code apply and the applicant meets the requirements of division (A) of this section, the board shall issue a training certificate to the applicant. The board shall not require an examination as a condition of receiving a training certificate.

A training certificate issued pursuant to this section shall be valid only for the period of one year, but may in the discretion of the board and upon application duly made, be renewed annually for a maximum of five years. The fee for renewal of a training certificate shall be thirty-five dollars.

The board shall maintain a register of all individuals who hold training certificates.

(C) The holder of a valid training certificate shall be entitled to perform such acts as may be prescribed by or incidental to the holder's internship, residency, or clinical fellowship program, but the holder shall not be entitled otherwise to engage in the practice of podiatric medicine and surgery in this state. The holder shall limit activities under the certificate to the programs of the hospitals or facilities for which the training certificate is issued. The holder shall train only under the supervision of the podiatrists responsible for supervision as part of the internship, residency, or clinical fellowship program. A training certificate may be revoked by the board upon proof, satisfactory to the board, that the holder thereof has engaged in practice in this state outside the scope of the internship, residency, or clinical fellowship program for which the training certificate has been issued, or upon proof, satisfactory to the board, that the holder thereof has engaged in unethical conduct or that there are grounds for action against the holder under section 4731.22 of the Revised Code.

(D) The board may adopt rules as the board finds necessary to effect the purpose of this section.

Sec. 4734.20. (A) Except for persons seeking to practice chiropractic under a special limited license issued pursuant to section 4734.27 of the Revised Code, each person seeking to practice chiropractic in this state shall apply in writing to the state chiropractic board for a license to practice chiropractic. The application shall be made under oath, on a form prescribed by the board, and shall be accompanied by a fee of two hundred fifty

dollars.

(B) Except as provided in sections 4734.23 and 4734.24 of the Revised Code, to receive a chiropractic license, an applicant must meet the following conditions:

(1) The applicant must be at least twenty-one years of age, be of good moral character, and possess a high school education or its equivalent.

(2) The applicant must have successfully completed, prior to matriculation at a school or college of chiropractic, at least two years of college credit in the arts and sciences at a college or university accredited by a state or regional accrediting organization recognized by the board, except that the board may adopt rules in accordance with Chapter 119. of the Revised Code that require completion of additional years of college credit or receipt of a college degree in an area specified in the rules.

(3) The applicant must be a graduate of and hold the degree of doctor of chiropractic from a school or college of chiropractic approved by the board under section 4734.21 of the Revised Code.

(4) The applicant must have received one of the following from the national board of chiropractic examiners, as appropriate according to the date of the applicant's graduation from a school or college of chiropractic:

(a) If the applicant graduated on or after January 1, 1970, but before January 1, 1989, a "diplomate certificate" or "certificate of attainment" evidencing passage of parts I and II and the physiotherapy section of the national board's examinations;

(b) If the applicant graduated on or after January 1, 1989, but before January 1, ~~2000~~ 2002, a "certificate of attainment" evidencing passage of parts I, II, and III and the physiotherapy section of the national board's examinations;

(c) If the applicant graduated on or after January 1, ~~2000~~ 2002, a "certificate of attainment" evidencing passage of parts I, II, III, and IV and the physiotherapy section of the national board's examinations.

(5) The applicant must have passed the board's jurisprudence examination conducted under section 4734.22 of the Revised Code.

(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.

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.

Sec. 4736.12. (A) The state board of sanitarian registration shall charge the following fees:

(1) To apply as a sanitarian-in-training, ~~fifty-five~~ fifty-seven dollars;

(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.

(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, upon application and proof of valid registration, issue a certificate of registration to any ~~resident of this state~~ person who is or has been registered as a sanitarian by any other state, if the requirements of that state at the time of such registration are determined by the board to be at least equivalent to the requirements of this chapter.

Sec. 4743.05. Except as otherwise provided in sections 4701.20, and 4729.65 of the Revised Code, all money collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4753., 4755., 4757., 4759., and 4761. of the Revised Code, and until December 31, 2004, money collected under Chapter 4779. of the Revised Code, shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund, which is hereby created for use in administering such chapters. ~~Money deposited to the credit of the fund under section 4731.24 of the Revised Code shall be used until July 1, 1998, for administering Chapters 4730. and 4731. of the Revised Code.~~

At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

~~At the end of the first quarter of 1995 and at the end of each quarter thereafter,~~ the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division ~~(D)~~(H)(2) of section 4701.10 of the Revised Code.

Sec. 4755.01. As used in sections 4755.01 to 4755.12 and section 4755.99 of the Revised Code:

(A) "Occupational therapy" means the evaluation of learning and performance skills and the analysis, selection, and adaptation of activities for an individual whose abilities to cope with daily living, perform tasks normally performed at ~~his~~ the individual's stage of development, and perform vocational tasks are threatened or impaired by developmental deficiencies, the aging process, environmental deprivation, or physical, psychological, or social injury or illness, through specific techniques which include:

(1) Planning and implementing activities and programs to improve sensory and motor functioning at the level of performance normal for the individual's stage of development;

(2) Teaching skills, behaviors, and attitudes crucial to the individual's independent, productive, and satisfying social functioning;

(3) Designing, fabricating, applying, recommending, and instructing in the use of selected orthotic or prosthetic devices and other equipment which assists the individual to adapt to ~~his~~ the individual's potential or actual impairment;

(4) Analyzing, selecting, and adapting activities to maintain the individual's optimal performance of tasks and to prevent further disability;

(5) Administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code.

(B) "Occupational therapist" means a person who is licensed to practice occupational therapy and who offers such services to the public under any title incorporating the words "occupational therapy," "occupational therapist," or any similar title or description of services.

(C) "Occupational therapy assistant" means a person licensed to apply the more standard occupational therapy techniques under the general supervision of an occupational therapist.

Sec. 4761.05. (A) The Ohio respiratory care board shall issue a license to any applicant who complies with the requirements of section 4761.04 of the Revised Code, files the prescribed application form, and pays the fee or fees required under section 4761.07 of the Revised Code. The license entitles the holder to practice respiratory care. The licensee shall display the license in a conspicuous place at the licensee's principal place of business.

(B)(1) The board shall issue a limited permit to any applicant who meets the requirements of division (A)(1) of section 4761.04 of the Revised Code, files the prescribed application form, pays the fee required under section 4761.07 of the Revised Code, and meets either of the following requirements:

(a) Is enrolled in and is in good standing in a respiratory care educational program approved by the board that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code leading to a degree or certificate of completion or is a graduate of the program;

(b) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989.

(2) The limited permit authorizes the holder to provide respiratory care under the supervision of a respiratory care professional. A person issued a limited permit under division (B)(1)(a) of this section may practice respiratory care under the limited permit for not more than the earliest of the

following:

- (a) Three years after the date the limited permit is issued;
- (b) One year following the date of receipt of a certificate of completion from a board-approved respiratory care education program;
- (c) Until the holder ~~completes or~~ discontinues participation in the educational program.

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.

(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.

(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.

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.

Sec. 4775.01. As used in this chapter:

(A) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(B) "Collision" means an occurrence in which two or more objects, whether mobile or stationary, contact one another in a manner that causes the alteration of the surface, structure, or appearance, whether separately or collectively, of an object that is party to the occurrence.

(C) "Collision repair" means any and all restorative or replacement procedures that are performed on and affect or potentially affect the structural, life safety, and cosmetic components of a motor vehicle that has been damaged as a result of a collision. "Collision repair" also includes any procedure that is employed for the purpose of repairing, restoring, replacing, or refinishing, whether wholly or separately, any structural, life safety, or cosmetic component of a motor vehicle to a condition approximating or

replicating the function, use, or appearance of the component prior to a collision.

(D) "Motor vehicle collision repair operator" means a any 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, 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:

(1) An employee, other than a manager, of a motor vehicle collision repair operator;

(2) A motor vehicle dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;

(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;

(4) A motor vehicle auction owner licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;

(5) A motor vehicle leasing dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;

(6) A motor vehicle salvage dealer licensed pursuant to ~~sections 4738.01 to 4738.18~~ Chapter 4738, of the Revised Code;

(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;

(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;

(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;

(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.

~~(C)~~(E) "Motor vehicle collision repair facility" means a ~~business~~ location ~~in~~ from which five or more separate motor vehicle collision repairs

are performed ~~for the general public~~ on motor vehicles in a twelve-month period, commencing with the day of the month in which the first such repair is made.

Sec. 4775.02. (A) No person shall act as a motor vehicle collision repair operator unless the person is registered in accordance with this chapter.

(B) Any person or entity that conducts or attempts to conduct business as a motor vehicle collision repair operator in violation of this chapter performs an unfair and deceptive act or practice in violation of section 1345.02 of the Revised Code.

Sec. 4775.08. (A) The initial and annual renewal fee for a motor vehicle collision repair registration certificate and for a temporary motor vehicle collision repair registration certificate is one hundred fifty dollars for each business location at which the motor vehicle collision repair operator conducts business as an operator, except that the board of motor vehicle collision repair registration, with the approval of the controlling board, may establish fees in excess of or less than that amount, provided that such fees do not exceed or are not less than that amount by more than fifty per cent.

The board shall adjust the fees as necessary in order to provide for the expenses associated with carrying out this chapter without causing an excessive build-up of surplus funds in the motor vehicle collision repair registration fund, which is hereby created in the state treasury.

(B) If the board has notified or attempted to notify a motor vehicle collision repair operator that the operator is required to be registered under this chapter, and the operator fails to register, the initial fee for the registration of such an unregistered operator for each business location at which the operator conducts business as an operator, is the initial fee then in effect plus an additional amount equal to the initial fee then in effect for each calendar year that the operator is not registered after the board has notified or attempted to notify the operator.

(C) The board shall deposit all fees and fines collected under this chapter into the motor vehicle collision repair registration fund, ~~which is hereby created in the state treasury.~~ The board shall use the fund solely for the administration and enforcement of this chapter.

Sec. 4775.99. (A) Whoever violates section 4775.02 of the Revised Code shall be fined not more than one thousand dollars on a first offense. On each subsequent offense, the offender shall be fined not less than one thousand nor more than five thousand dollars.

(B) After conducting an investigation and upon establishing that a violation of section 4775.02 of the Revised Code has occurred, the board of motor vehicle collision repair registration, in addition to any other action it

may take or any other penalty imposed pursuant to this chapter, may impose an administrative fine on the person or entity that committed the violation in an amount of not more than one thousand dollars on a first offense. On each subsequent offense, the board may impose an administrative fine of not less than one thousand dollars nor more than five thousand dollars. If the administrative fine is not paid, the attorney general, upon the board's request, shall commence a civil action to collect the administrative fine.

Sec. 4779.01. As used in this chapter:

(A) "Accommodative" means designed with the primary goal of conforming to the anatomy of a particular individual.

(B) "Full-time" means not less than one thousand six hundred hours per year.

(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.

(D) "Orthotics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of an orthotic or pedorthic device, or the repair, replacement, adjustment, or service of an existing orthotic or pedorthic device. It does not include upper extremity adaptive equipment used to facilitate the activities of daily living, finger splints, wrist splints, prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting, nontherapeutic accommodative inlays, shoes that are not manufactured or modified for a particular individual, prefabricated foot care products, durable medical equipment, dental appliances, pedorthic devices, or devices implanted into the body by a physician.

(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.

(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.

(G) "Pedorthics device" means a custom fabricated or fitted therapeutic shoe, shoe modification for therapeutic purposes, prosthetic filler of the forefoot, or foot orthosis for use from the apex of the ~~medical malleolus~~ medial malleolus and below. It does not include an arch support, a nontherapeutic accommodative inlay, nontherapeutic accommodative footwear, prefabricated footcare products, or unmodified, over-the-counter shoes.

(H) "Prosthetics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a prosthesis or pedorthic device, or the repair, replacement, adjustment, or service of a prosthesis or pedorthic device.

(I) "Prosthesis" means a custom fabricated or fitted medical device used to replace a missing appendage or other external body part. It includes an artificial limb, hand, or foot, but does not include devices implanted into the body by a physician, artificial eyes, intraocular lenses, dental appliances, ostomy products, cosmetic devices such as breast prostheses, eyelashes, wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body.

Sec. 4779.02. (A) Except as provided in division (B) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter.

(B) Division (A) of this section does not apply to any of the following:

(1) An individual who holds a current, valid license, certificate, or registration issued under Chapter 4723., 4730., 4731., 4734., or 4755. of the Revised Code and is practicing within the individual's scope of practice under statutes and rules regulating the individual's profession;

(2) An individual who practices orthotics, prosthetics, or pedorthics as an employee of the federal government and is engaged in the performance of duties prescribed by statutes and regulations of the United States;

(3) An individual who provides orthotic, prosthetic, or pedorthic services under the supervision of a licensed orthotist, prosthetist, or pedorthist in accordance with section 4779.04 of the Revised Code;

(4) An individual who provides orthotic, prosthetic, or pedorthic services as part of an educational, certification, or residency program approved by the board under sections 4779.25 to 4779.27 of the Revised Code;

(5) An individual who provides orthotic, prosthetic, or pedorthic services under the direct supervision of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

Sec. 4779.16. The state board of orthotics, prosthetics, and pedorthics shall issue a license under section 4779.09 of the Revised Code to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics without examination to an applicant who meets the requirements of divisions (A) and (B) of this section:

(A) Not later than July 27, 2001, applies to the board in accordance with

section 4779.09 of the Revised Code;

(B)(1) In the case of an applicant for a license to practice orthotics, is actively practicing or teaching orthotics on October 27, 2000, and complies with division (B)~~(2)~~(1)(a) or (b) of this section:

(a) The applicant meets all of the following requirements:

(i) Holds a bachelor's degree or higher from a nationally accredited college or university in the United States;

(ii) Has completed a certificate program in orthotics approved by the board under section 4779.26 of the Revised Code;

(iii) Is certified in orthotics 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;

(iv) Has completed a residency program approved by the board under section 4779.27 of the Revised Code.

(b) The individual meets both of the following requirements:

(i) Has a minimum of three years of documented, full-time experience practicing or teaching orthotics;

(ii) Has passed the certification examination in orthotics developed by the American board of certification in orthotics and prosthetics, the board of orthotist/prosthetist certification, or an equivalent organization recognized by the board.

(2) In the case of an applicant for a license to practice prosthetics, is actively practicing or teaching prosthetics on October 27, 2000, and complies with division (B)(2)(a) or (b) of this section:

(a) The applicant meets all of the following requirements:

(i) Holds a bachelor's degree or higher from a nationally accredited college or university in the United States;

(ii) Has completed a certificate program in prosthetics approved by the board under section 4779.26 of the Revised Code;

(iii) Is certified in 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;

(iv) Has completed a residency program approved by the board under section 4779.27 of the Revised Code.

(b) The applicant meets both of the following requirements:

(i) Has a minimum of three years of documented, full-time experience practicing or teaching prosthetics;

(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.

(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:

(a) The applicant meets all of the following requirements:

(i) Holds a bachelor's degree or higher from an accredited college or university in the United States;

(ii) Has completed a certificate program in orthotics and prosthetics approved by the board under section 4779.26 of the Revised Code;

(iii) Has completed a residency program in orthotics and prosthetics approved under section 4779.27 of the Revised Code;

(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;

(b) The applicant meets both of the following requirements:

(i) Has a minimum of six years of documented, full-time experience practicing or teaching orthotics and prosthetics;

(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 certification, or an equivalent organization recognized by the board.

(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.

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.

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.

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.

~~(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 following:~~

(1) In the case of an individual licensed as an orthotist or prosthetist, the individual has completed within the preceding three years forty-five continuing education units granted by the board under section 4779.24 of the Revised Code;

(2) In the case of an individual licensed as a prosthetist and orthotist, the individual has completed within the preceding three years seventy-five continuing education units granted by the board under section 4779.24 of the Revised Code;

(3) In the case of an individual licensed as a pedorthist, the individual has completed within the previous three years the continuing education courses required by the board for certification in pedorthics or an equivalent organization recognized by the board.

Sec. 4779.26. The state board of orthotics, prosthetics, and pedorthics shall recognize a certificate program in orthotics, prosthetics, or orthotics and prosthetics if the program satisfies all of the following requirements:

(A) Meets the requirements in divisions (B), (C), (D), (E), (F), (K), and (L) of section ~~4779.24~~ 4779.25 of the Revised Code;

(B) In the case of a certificate program in orthotics, the program does all of the following:

(1) Provides not less than two semesters or three quarters of instruction in orthotics;

(2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics;

(3) Meets the requirements in divisions (G) and (H) of section 4779.25 of the Revised Code.

(C) In the case of a certificate program in prosthetics, the program does all of the following:

(1) Provides not less than two semesters or three quarters of instruction in prosthetics;

(2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities,

recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of prosthetics;

(3) Meets the requirements in divisions (F) and (I) of section 4779.25 of the Revised Code.

(D) In the case of a certificate program in orthotics and prosthetics, the program does both of the following:

(1) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;

(2) Meets the requirements in divisions (H) and (I) of section 4779.25 of the Revised Code.

Sec. 4905.87. (A) To the extent funding is available in the biomass energy program fund, the public utilities commission shall maintain a program to promote the development and use of biomass energy.

(B) The biomass energy program fund is hereby created in the state treasury. Money received by the commission for the program maintained under this section shall be credited to the fund, and used for that program.

Sec. 4911.17. There is hereby created a nine-member consumers' counsel governing board consisting of three representatives of organized groups representing each of the following areas: labor; residential consumers; and family farmers. No more than five members of this board may be members of the same political party.

The members of the board shall be appointed by the attorney general with the advice and consent of the senate.

No later than January 1, 1977, the attorney general shall make initial appointments to the board. Of the initial appointments made to the board, three shall be for a term ending one year after September 1, 1976, three shall be for a term ending two years after that date, and three shall be for a term ending three years after that date. Thereafter, terms of office shall be for three years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office.

~~The governing board shall meet within thirty days after all appointments have been made and select from among its membership a chairperson and vice chairperson. The board shall meet at least every other~~ third month

~~after of the year.~~ Meetings may be held more often at the request of a majority of the members or upon call of the chairperson. At the first meeting of each year, the board shall select a chairperson and vice-chairperson. With the approval of the board, the chairperson may designate the vice-chairperson to perform the duties of the chairperson, including those provided in section 4901.021 of the Revised Code.

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 vehicle shall be reckoned as from the beginning of the quarter in which such certificate is issued or the use of equipment under any existing certificate began.

Sec. 4923.11. (A) Every private motor carrier or contract carrier by motor vehicle operating in this state shall, at the time of the issuance of its permit, and annually thereafter on or between the first and 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 private motor carrier or contract 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 from agricultural commodities requires a temporary and seasonal use of vehicular equipment for a period of not more than ninety

days. In that 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 a motor transportation company or common carrier, or by another private motor carrier or contract carrier, without further payment of the tax imposed by this section or by section 4921.18 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 permit to any private motor carrier or contract carrier by motor vehicle shall be reckoned as from the beginning of the quarter in which such permit is issued or the use of equipment under any existing permit began.

Sec. 5101.14. (A) Within available funds, the department of job and family services shall make payments to the counties within thirty days after the beginning of each calendar quarter for a part of their costs for services to children performed pursuant to Chapter 5153. of the Revised Code.

Funds provided to the county under this section shall be deposited into the children services fund created pursuant to section 5101.144 of the Revised Code.

(B)(1) The funds distributed under this section shall be used for the following:

- (a) Home-based services to children and families;
- (b) Protective services to children;
- (c) To find, develop, and approve adoptive homes;
- (d) Short-term, out-of-home care and treatment for children;
- (e) Costs for the care of a child who resides with a caretaker relative, other than the child's parent, and is in the legal custody of a public children services agency pursuant to a voluntary temporary custody agreement entered into under division (A) of section 5103.15 of the Revised Code or in the legal custody of a public children services agency or the caretaker relative pursuant to an allegation or adjudication of abuse, neglect, or dependency made under Chapter 2151. of the Revised Code;
- (f) Other services a public children services agency considers necessary

to protect children from abuse, neglect, or dependency.

(2) No funds distributed under this section shall be used for the costs of maintaining a child in a children's home owned and operated by the county.

(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:

(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive the amount determined under division (C)(2) of this section as a base allocation, plus a percentage of the amount that exceeds the amount initially appropriated for the immediately preceding fiscal year. The amount exceeding the amount initially appropriated in the immediately preceding fiscal year shall be allocated to the counties as follows:

(a) Twelve per cent divided equally among all counties;

(b) Forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state;

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state.

As used in division (C)(3)(c) of this section, "federal poverty guideline" means the poverty guideline as defined by the United States office of management and budget and revised by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.

(D) The director of job and family services may adopt rules as necessary for the allocation of funds under this section. The rules shall be adopted in accordance with section 111.15 of the Revised Code.

(E)(1) As used in this division, "services to children" ~~includes only~~ means children's protective services, home-based services to children and

families, foster home services, residential treatment services, adoptive services, and independent living services.

(2) Except as otherwise provided in this section, the allocation of funds for a fiscal year to a county under this section shall be reduced by the department if in the preceding calendar year the total amount expended for services to children from local funds ~~and funds distributed to the county under section 5101.46 of the Revised Code~~ was less than the total expended from ~~those sources~~ that source in the second preceding calendar year. The reduction shall be equal to the difference between the total expended in the preceding calendar year and the total expended in the second preceding calendar year.

The determination of whether the amount expended for services to children was less in the preceding calendar year than in the second preceding calendar year shall not include a difference due to any of the following factors to the extent that the difference does not exceed the amount attributable to that factor:

- (a) An across-the-board reduction in the county budget as a whole;
- (b) A reduced or failed levy specifically earmarked for children services;
- (c) ~~A reduced allocation of funds to the county under section 5101.24 of the Revised Code;~~
- ~~(d)~~ The closure of, or a reduction in the operating capacity of, a children's home owned and operated by the county.

(3) Funds withheld under this division may be reallocated by the department to other counties. The department may grant whole or partial waivers of the provisions of this division.

(F) Children who are in the temporary or permanent custody of a certified public or private nonprofit agency or institution, or who are in adoptions subsidized under division (B) of section 5153.163 of the Revised Code are eligible for medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.

(G) Within ninety days after the end of each fiscal year, each county shall return any unspent funds to the department.

~~(H) The department shall prepare an annual report detailing on a county by county basis the services provided with funds distributed under this section. The report shall be submitted to the general assembly by the thirtieth day of September each year and also shall be made available to the public.~~

~~(I)~~ In accordance with Chapter 119. of the Revised Code, the director shall adopt, and may amend and rescind, rules prescribing 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.

(B)(1) The county, on behalf of each child eligible for foster care maintenance payments under Title IV-E of the "Social Security Act," shall make payments to cover the cost of providing all of the following:

(a) The child's food, clothing, shelter, daily supervision, and school supplies;

(b) The child's personal incidentals;

(c) Reasonable travel to the child's home for visitation.

(2) In addition to payments made under division (B)(1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E of the "Social Security Act," make payments to cover the cost of providing the following:

(a) Liability insurance with respect to the child;

(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.

(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (B)(1) and (2) of this section.

(C) To the extent that either foster care maintenance payments under division (B) of this section or Title IV-E adoption assistance payments for

maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.

(D) The department shall distribute to public children services agencies that incur and report such expenditures federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than ~~two~~ three per cent of the federal financial participation received. The funds withheld may be used only to fund the Ohio child welfare training program established under section 5153.60 of the Revised Code and the university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation. The funds withheld shall be in addition to any administration and training cost for which the department is reimbursed through its own cost allocation plan.

(E) All federal financial participation funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section 5101.144 of the Revised Code.

(F) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public children services agencies for making payments on behalf of children eligible for foster care maintenance payments.

(G) The department, by and through its director, is hereby authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with agencies of any other states, for the provision of medical assistance and other social services to children in relation to whom all of the following apply:

- (1) They have special needs.
- (2) This state or another state that is a party to the interstate compact is providing adoption assistance on their behalf.
- (3) They move into this state from another state or move out of this state to another state.

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).

(B) In adopting rules under section 5101.141 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, and private noncustodial agencies, the department of job and family services shall establish both of the following:

(1) A single form for the agencies to report costs reimbursable under Title IV-E and costs reimbursable under medicaid;

(2) Procedures to monitor cost reports submitted by the agencies.

(C) The procedures established under division (B)(2) of this section shall be implemented not later than October 1, 2003. The procedures shall be used to do both of the following:

(1) Determine which of the costs are reimbursable under Title IV-E;

(2) Ensure that costs reimbursable under medicaid are excluded from determinations made under division (C)(1) of this section.

Sec. 5101.184. (A) The director of job and family services shall work with the tax commissioner to collect overpayments of assistance under Chapter 5107., 5111., or 5115., former Chapter 5113., or ~~sections~~ section 5101.54 ~~to 5101.543~~ of the Revised Code from refunds of state income taxes for taxable year 1992 and thereafter that are payable to the recipients of such overpayments.

Any overpayment of assistance, whether obtained by fraud or misrepresentation, as the result of an error by the recipient or by the agency making the payment, or in any other manner, may be collected under this section. Any reduction under section 5747.12 or 5747.121 of the Revised Code to an income tax refund shall be made before a reduction under this section. No reduction shall be made under this section if the amount of the refund is less than twenty-five dollars after any reduction under section 5747.12 of the Revised Code. A reduction under this section shall be made before any part of the refund is contributed under section 5747.113 of the Revised Code to the natural areas and preserves fund or the nongame and endangered wildlife fund, or is credited under section 5747.12 of the Revised Code against tax due in any subsequent year.

The director and the tax commissioner, by rules adopted in accordance with Chapter 119. of the Revised Code, shall establish procedures to implement this division. The procedures shall provide for notice to a recipient of assistance and an opportunity for the recipient to be heard before the recipient's income tax refund is reduced.

(B) The director of job and family services may enter into agreements with the federal government to collect overpayments of assistance from refunds of federal income taxes that are payable to recipients of the overpayments.

Sec. ~~5101.074~~ 5101.251. (A) Not later than ninety days after ~~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:

(1) "Agency" means the following entities that administer a family services program:

- (a) The department of job and family services;
- (b) A county department of job and family services;
- (c) A public children services agency;

(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.

(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.

(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.

(B) ~~An~~ Except as provided in by division (G) of this section, 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 conducted in accordance with rules adopted under this section. The state hearing shall be tape-recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. A state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services or a court of common pleas.

(C) ~~An~~ Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. Any person designated to make an administrative appeal decision on behalf of the director shall have been admitted to the practice of law in this state. An administrative appeal decision is the final decision of the department and is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the Revised Code. If another agency fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal decision of the director of job and family services or the 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 rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family services to request a county conference with the county department before the state hearing is held.

(2) Administrative appeals under division (C) of this section;

(3) Time limits for complying with a decision issued under division (B) or (C) of this section;

(4) Sanctions that may be applied against an agency under division (D) of this section.

(G) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing in appeals process for an appellant who appeals a decision or order regarding a Title IV-A program identified under division (A)(3)(c) or (d) of section 5101.80 of the Revised Code that is different from the appeals process established by

this section. The different appeals process may include having a state agency that administers the Title IV-A program pursuant to an interagency agreement entered into under section 5101.801 of the Revised Code administer the appeals process.

(H) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules adopted under this section.

Sec. 5101.36. Any application for public assistance gives a right of subrogation to the department of job and family services for any workers' compensation benefits payable to a person who is subject to a support order, as defined in section 3119.01 of the Revised Code, on behalf of the applicant, to the extent of any public assistance payments made on the applicant's behalf. If the director of job and family services, in consultation with a child support enforcement agency and the administrator of the bureau of workers' compensation, determines that a person responsible for support payments to a recipient of public assistance is receiving workers' compensation, the director shall notify the administrator of the amount of the benefit to be paid to the department of job and family services.

For purposes of this section, "public assistance" means medical assistance provided through the medical assistance program established under section 5111.01 of the Revised Code; Ohio works first provided under Chapter 5107. of the Revised Code; prevention, retention, and contingency ~~assistance~~ benefits and services provided under Chapter 5108. of the Revised Code; or disability assistance provided under Chapter 5115. of the Revised Code.

Sec. 5101.50. (A) As used in this section and in sections 5101.51 to ~~5101.518~~ 5101.5110 of the Revised Code:

(1) "Children's health insurance program" means the program ~~authorized~~ authorized by Title XXI of the "Social Security Act," 111 Stat. 552 (1997), 42 U.S.C.A. 1397aa.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

(B) The director of job and family services may continue to operate the children's health insurance program initially authorized by an executive order issued under section 107.17 of the Revised Code as long as federal financial participation is available for the program. If operated, the program shall provide health assistance to uninsured individuals under nineteen years of age with family incomes not exceeding one hundred fifty per cent of the federal poverty guidelines. In accordance with 42 U.S.C.A. 1397aa, the director may provide for the health assistance to meet the requirements of 42

U.S.C.A. 1397cc, to be provided under the medicaid program established under Chapter 5111. of the Revised Code, or to be a combination of both.

Sec. 5101.5110. (A) The director of job and family services may submit a waiver request to the United States secretary of health and human services to provide health assistance to any individual who meets all of the following requirements:

(1) Is the parent of a child under nineteen years of age who resides with the parent and is eligible for health assistance under the children's health insurance program part I or II or the medicaid program established under Chapter 5111. of the Revised Code;

(2) Is uninsured;

(3) Has a family income that does not exceed one hundred per cent of the federal poverty guidelines.

(B) A waiver request the director submits under division (A) of this section may seek federal funds allotted to the state under Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 U.S.C.A. 1397dd, as amended, that are not otherwise used to fund the children's health insurance program parts I and II.

(C) If a waiver request the director submits under division (A) of this section is granted, the director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the program authorization by the waiver.

Sec. 5101.521. When the body of a dead person is found in a township or municipal corporation, and such person was not an inmate of a correctional, benevolent, or charitable institution of this state, and the body is not claimed by any person for private interment or cremation at the person's own expense, or delivered for the purpose of medical or surgical study or dissection in accordance with section 1713.34 of the Revised Code, ~~or the person was not eligible for burial assistance under section 5101.52 of the Revised Code,~~ it shall be disposed of as follows:

(A) If the person was a legal resident of the county, the proper officers of the township or municipal corporation in which the person's body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(B) If the person had a legal residence in any other county of the state at the time of death, the superintendent of the county home of the county in which such body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(C) If the person was an inmate of a correctional institution of the county or a patient or resident of a benevolent institution of the county, the person had no legal residence in the state, or the person's legal residence is unknown, the superintendent shall cause the person to be buried or cremated at the expense of the county.

Such officials shall provide, at the grave of the person or, if the person's cremated remains are buried, at the grave of the person's cremated remains, a stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

A political subdivision is not relieved of its duty to bury or cremate a person at its expense under this section when the body is claimed by an indigent person.

Sec. 5101.54. (A) The director of job and family services shall administer the food stamp program in accordance with the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended. The department may:

(1) Prepare and submit to the secretary of the United States department of agriculture a plan for the administration of the food stamp program;

(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters;

(3) Require such reports and information from each county department of job and family services as may be necessary and advisable;

(4) Administer and expend any sums appropriated by the general assembly for the purposes of this section and all sums paid to the state by the United States as authorized by the Food Stamp Act of 1977;

(5) Conduct such investigations as are necessary;

(6) Enter into interagency agreements and cooperate with investigations conducted by the department of public safety, including providing information for investigative purposes, exchanging property and records, passing through federal financial participation, modifying any agreements with the United States department of agriculture, providing for the supply, security, and accounting of food stamp ~~coupons~~ benefits for investigative purposes, and meeting any other requirements necessary for the detection and deterrence of illegal activities in the state food stamp program;

(7) Adopt rules in accordance with Chapter 119. of the Revised Code governing employment and training requirements of recipients of food stamp benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. The rules shall be consistent with 7 U.S.C.A. 2015 and, to the extent practicable, may provide for food stamp benefit recipients to

participate in work activities, developmental activities, and alternative work activities established under sections 5107.40 to 5107.69 of the Revised Code that are comparable to programs authorized by 7 U.S.C.A. 2015(d)(4). The rules may reference rules adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities established under sections 5107.40 to 5107.69 of the Revised Code.

(8) Adopt rules in accordance with section 111.15 of the Revised Code that are consistent with the Food Stamp Act of 1977, as amended, and regulations adopted thereunder governing the following:

- (a) Eligibility requirements for the food stamp program;
- (b) Sanctions for failure to comply with eligibility requirements;
- (c) Allotment of food stamp ~~coupons~~ benefits;

(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of food stamp benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive food stamp benefits after satisfying the requirements;

(e) Administration of the program by county departments of job and family services;

(f) Other requirements necessary for the efficient administration of the program.

(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified food stamp program pursuant to 7 U.S.C.A. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the food stamp program in the case of households receiving 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.

The period of temporary eligibility shall not exceed one month from the date of certification of temporary eligibility. If eligibility is established by full verification, benefits shall continue without interruption as long as eligibility continues.

At the time of application, the county department of job and family services shall provide to a household described in this division a list of community assistance programs that provide emergency food.

(D) All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services.

(E) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive food stamps without charge under the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended.

(F) Any person who applies for food stamps under this section shall receive a voter registration application under section 3503.10 of the Revised Code.

Sec. 5101.80. (A) As used in this section and in section 5101.801 of the Revised Code:

(1) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.

(2) "State agency" has the same meaning as in section 9.82 of the Revised Code.

(3) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:

(a) The Ohio works first program established under Chapter 5107. of the Revised Code;

(b) The prevention, retention, and contingency program established

under Chapter 5108. of the Revised Code:

(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;

(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.

(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.

(C) The department of job and family services shall do all of the following:

(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan, ~~and amendments to the plan that the department determines necessary, for the Ohio works first program established under Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code~~ Title IV-A programs;

(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in division (A)(3)(c) and (d) of this section;

(3) Prescribe forms for applications, certificates, reports, records, and accounts of county ~~departments of job and family services~~ agencies and state agencies administering a Title IV-A program, and other matters related to the ~~Ohio works first program and the prevention, retention, and contingency program~~ Title IV-A programs;

~~(3)~~(4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding the ~~Ohio works first program and the prevention, retention, and contingency program~~ Title IV-A programs;

~~(4)~~(5) Require reports and information from each county ~~department of job and family services~~ agency and state agency administering a Title IV-A

program as may be necessary or advisable regarding ~~the Ohio works first program and the prevention, retention, and contingency program~~ the Title IV-A program;

~~(5)~~(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, ~~the Ohio works first program or the prevention, retention, and contingency program~~ a Title IV-A program aggrieved by a decision regarding ~~either the~~ the program;

~~(6)~~(7) Administer and expend, pursuant to Chapters 5107. and 5108. of the Revised Code and section 5101.801 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and section and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," ~~49~~ 110 Stat. 620 2113 (1935 1996), 42 U.S.C. ~~301~~ 601, as amended;

~~(7)~~(8) Conduct investigations and audits as are necessary regarding ~~the Ohio works first program and the prevention, retention, and contingency program~~ Title IV-A programs;

~~(8)~~(9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;

~~(9)~~(10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received ~~assistance~~ benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;

(c) Provide the department ~~an initial report of the evaluation not later than two years after October 1, 1997, and provide subsequent~~ with reports at times the department specifies.

~~(10)~~ Not later than March 1, 1998, and the first day of each September and March thereafter until September 1, 2001, prepare a county by county report concerning individuals who cease to participate in Ohio works first that contains the reasons the individuals ceased to participate, including employment, marital status, and relocation;

(11) Not later than January 1, 2001, and the first day of each January and July thereafter, prepare a report containing information on the following:

(a) ~~A county by county breakdown of individuals who cease to participate in Ohio works first and the reasons the individuals ceased to participate, including~~ Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.

(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.

(12) Not later than January 1, 2001, and on a quarterly basis thereafter until December 1, 2003, prepare, to the extent the necessary data is available to the department, a report based on information determined under section 5107.80 of the Revised Code that states how many former Ohio works first participants entered the workforce during the most recent previous quarter for which the information is known and includes information regarding the earnings of those former participants. The report shall include a county-by-county breakdown and shall not contain the names or social security numbers of former participants.

~~(B)~~(13) To the extent authorized by section 5101.801 of the Revised Code, enter into interagency agreements with state agencies for the administration of Title IV-A programs identified under division (A)(3)(c) and (d) of this section.

(D) The department shall provide copies of the reports it receives under division ~~(A)(9)(C)(10)~~ of this section and prepares under divisions ~~(A)(10);(C)(11);~~ and (12) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.

~~(C)~~(E) An authorized representative of the department or a county ~~department of job and family services agency or state agency administering a Title IV-A program~~ shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section.

Sec. 5101.801. (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(3)(c) or (d) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services shall do either of the following regarding a Title IV-A program identified under division (A)(3)(c) or (d) of section 5101.80 of the Revised Code:

(1) Administer the program or supervise a county family services agency's administration of the program;

(2) Enter into an interagency agreement with a state agency for the state agency to administer the program under the department's supervision.

(C) If the department administers or supervises the administration of a Title IV-A program identified under division (A)(3)(c) or (d) of section 5101.80 of the Revised Code pursuant to division (B)(1) of this section, the department may adopt rules governing the program. Rules governing financial and operational matters of the department or between the department and the county family services agency shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department enters into an interagency agreement regarding a Title IV-A program identified under division (A)(3)(c) or (d) of section 5101.80 of the Revised Code pursuant to division (B)(2) of this section, the agreement shall include at least all of the following:

(1) A requirement that the state agency comply with the requirements for the program, including all of the following requirements established by federal statutes and regulations, state statutes and rules, the United States office of management and budget, and the Title IV-A state plan prepared under section 5101.80 of the Revised Code:

(a) Eligibility;

(b) Reports;

(c) Benefits and services;

(d) Use of funds;

(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;

(f) Audits.

(2) A complete description of all of the following:

(a) The benefits and services that the program is to provide;

(b) The methods of program administration;

(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;

(d) Other program and administrative requirements that the department requires be included.

(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:

(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:

(a) Limitations on administrative costs;

(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.

(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:

(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;

(b) Auditing the entity in accordance with requirements established by the United States office of management and budget.

(6) The state agency's responsibilities regarding the prompt payment, including any interest assessed, of any adverse audit finding, final disallowance of federal funds, or other sanction or penalty imposed by the federal government, auditor of state, department, a court, or other entity regarding funds for the program;

(7) Provisions for the department to terminate the interagency agreement or withhold reimbursement from the state agency if either of the following occur:

(a) The federal government disapproves the program or reduces federal funds for the program;

(b) The state agency fails to comply with the terms of the interagency agreement.

(E) To the extent consistent with the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program and subject to the approval of the director of budget and management, the director of job and family services may terminate a Title

IV-A program identified under division (A)(3)(c) or (d) of section 5101.80 of the Revised Code or reduce funding for the program if the director of job and family services determines that federal or state funds are insufficient to fund the program. If the director of budget and management approves the termination or reduction in funding for such a program, the director of job and family services shall issue instructions for the termination or funding reduction. If a county family services agency or state agency is administering the program, the county family services agency or state agency is bound by the termination or funding reduction and shall comply with the director's instructions.

(F) The director of job and family services may adopt internal management rules in accordance with section 111.15 of the Revised Code as necessary to implement this section. The rules are binding on each county family services agency and state agency administering, pursuant to this section, a Title IV-A program identified in division (A)(3)(c) or (d) of section 5101.80 of the Revised Code.

Sec. 5101.821. Except as otherwise approved by the director of budget and management, the department of job and family services shall deposit federal funds received under Title IV-A of the "Social Security Act," 42 U.S.C.A. 601, 110 Stat. 2113 (1996), into the temporary assistance for needy families (TANF) federal fund, which is hereby created in the state treasury. The department shall use money in the fund for the Ohio works first program established under Chapter 5107. of the Revised Code; the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; and any other purposes consistent with Title IV-A, federal regulations, federal waivers granted by the United States secretary of health and human services, state law, the Title IV-A state plan and amendments submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and rules adopted by the department under section 5107.05 of the Revised Code.

Sec. 5101.83. (A) As used in this section:

(1) "Assistance group" has the same meaning as in sections 5107.02 and 5108.01 of the Revised Code, except that it also means a group provided benefits and services under the prevention, retention, and contingency program because the members of the group share a common need for benefits and services.

(2) "Fraudulent assistance" means assistance and service, including cash assistance, provided under the Ohio works first program established under Chapter 5107., or benefits and services provided under the prevention, retention, and contingency program established under Chapter 5108. of the

Revised Code, to or on behalf of an assistance group that is provided as a result of fraud by a member of the assistance group, including an intentional violation of the program's requirements. "Fraudulent assistance" does not include assistance or ~~services~~ services to or on ~~be half~~ behalf of an assistance group that is provided as a result of an error that is the fault of a county department of job and family services or the state department of job and family services.

(B) If a county director of job and family services determines that an assistance group has received fraudulent assistance, the assistance group is ineligible to participate in the Ohio works first program or the prevention, retention, and contingency program until a member of the assistance group repays the cost of the fraudulent assistance. If a member repays the cost of the fraudulent assistance and the assistance group otherwise meets the eligibility requirements for the Ohio works first program or the prevention, retention, and contingency program, the assistance group shall not be denied the opportunity to participate in the program.

This section does not limit the ability of a county department of job and family services to recover erroneous payments under section 5107.76 of the Revised Code.

The state department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. 5101.85. As used in sections 5101.851 to ~~5101.854~~ 5101.853 of the Revised Code, "kinship caregiver" means any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents:

- (A) The following individuals related by blood or adoption to the child:
 - (1) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";
 - (2) Siblings;
 - (3) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";
 - (4) First cousins and first cousins once removed.
- (B) Stepparents and stepsiblings of the child;
- (C) Spouses and former spouses of individuals named in divisions (A) and (B) of this section;
- (D) A legal guardian of the child;
- (E) A legal custodian of the child.

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).~~

~~(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 may establish a program providing support services to kinship caregivers statewide program of kinship care navigators to assist kinship caregivers who are seeking information regarding, or assistance obtaining, services and benefits available at the state and local level that addresses address the needs of those caregivers residing in each county. The department shall establish the program no later than March 31, 2000. The program shall provide to kinship caregivers information and referral services and assistance obtaining support services that include including the following:~~

~~(1)(A) Publicly funded child day-care;~~

~~(2)(B) Respite care;~~

~~(3)(C) Training related to caring for special needs children;~~

~~(4)(D) A toll-free telephone number that may be called to obtain basic information about the rights of, and services available to, kinship caregivers;~~

~~(5)(E) Legal services.~~

~~Sec. 5101.852. Within available funds, the department of job and family services shall make payments to public children services agencies for the purpose of permitting the agencies to provide kinship care navigator information and referral services and assistance obtaining support services to kinship caregivers pursuant to the kinship care navigator program. The department may provide training and technical assistance concerning the needs of kinship caregivers to employees of public children services agencies and to persons or entities that serve kinship caregivers or perform the duties of a kinship care navigator and are under contract with an agency.~~

~~Sec. 5101.854 5101.853. The department of job and family services shall may adopt rules in accordance with Chapter 119. of the Revised Code to implement the kinship care navigators program to provide support services to kinship caregivers. To the extent permitted by federal law and the Revised Code, the rules may expand eligibility for programs administered by the department in a manner making kinship caregivers eligible for the programs. The rules shall be adopted under Chapter 119. of the Revised Code, except that rules governing fiscal and administrative matters related to implementation of the navigators program are internal management rules and shall be adopted under section 111.15 of the Revised Code.~~

~~Sec. 5103.031. (A) Except as provided in section 5103.033 of the~~

Revised Code, the department of job and family services may not issue a certificate under section 5103.03 of the Revised Code to a foster home unless the foster caregiver successfully completes the following amount of preplacement training through the Ohio child welfare training program or a preplacement training program operated under section 5103.034 of the Revised Code:

(1) If the foster home is a family foster home, at least twelve hours;

(2) If the foster home is a specialized foster home, at least thirty-six hours.

(B) No child may be placed in a family foster home unless the foster caregiver completes at least twelve additional hours of preplacement training through the Ohio child welfare training program or a preplacement training program operated under section 5103.034 of the Revised Code.

Sec. 5103.033. The department of job and family services may issue or renew a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed if the foster caregiver successfully completes the following amount of training:

(A) For an initial certificate, at least twelve hours of preplacement training through the Ohio child welfare training program or a preplacement training program operated under section 5103.034 of the Revised Code;

(B) For renewal of a certificate, at least twelve hours each year of continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section ~~5103.034~~ 5103.035 of the Revised Code.

Sec. 5103.036. For the purpose of determining whether a foster caregiver has satisfied the requirement of section 5103.031 or 5103.032 of the Revised Code, a recommending agency shall accept training obtained from the Ohio child welfare training program or pursuant to a preplacement training program or continuing training program operated under section 5103.034 of the Revised Code regardless of whether the agency operated the preplacement training program or continuing training program. The agency may require that the foster caregiver successfully complete additional training as a condition of the agency recommending that the department of job and family services certify or recertify the foster caregiver's foster home under section 5103.03 of the Revised Code.

Sec. 5103.0312. ~~The department of job and family services~~ A public

children services agency, private child placing agency, or private noncustodial agency acting as a recommending agency for foster caregivers who hold certificates issued under section 5103.03 of the Revised Code shall pay those foster caregivers who have been issued a foster home certificate and had at least one foster child placed in their home a stipend to reimburse them for attending training courses provided by the Ohio child welfare training program or pursuant to a preplacement training program or continuing training program operated under section 5103.034 of the Revised Code. The payment shall be based on a per diem stipend rate established by the department of job and family services. The payment to foster caregivers stipend rate shall be the same regardless of the type of recommending agency from which a foster caregiver seeks a recommendation. The department shall pay a foster caregiver for attending preplacement training courses during the first month a foster child is placed in the foster caregiver's home, pursuant to rules adopted under section 5103.0316 of the Revised Code, reimburse the recommending agency for stipend payments it makes in accordance with this section.

Sec. 5103.0313. The department of job and family services shall reimburse a the following for the cost of providing preplacement and continuing training to foster caregivers:

(A) The Ohio child welfare training program;

(B) A public children services agency, private child placing agency, or private noncustodial agency for the cost to the agency of providing training to a foster caregiver through a preplacement training program or continuing training program operated under section 5103.034 of the Revised Code. The

The reimbursement shall be on a per diem basis and limited to the cost associated with the trainer, obtaining a site at which the training is provided, and the administration of the training. A reimbursement rate shall be the same regardless of whether the training program is operated by the Ohio child welfare training program or a public children services agency, private child placing agency, or private noncustodial agency.

Sec. 5103.0314. The department of job and family services shall not reimburse a recommending agency for the cost of any training the agency requires a foster caregiver to undergo as a condition of the agency recommending the department certify or recertify the foster caregiver's foster home under section 5103.03 of the Revised Code if the training is in addition to the minimum training required by section 5103.031 or 5103.032 of the Revised Code.

Sec. 5103.0316. Not later than ninety days after ~~the effective date of this section~~ January 1, 2001, the department of job and family services shall

adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of sections 5103.031 to 5103.0316 of the Revised Code. The rules shall provide for all of the following:

(A) For the purpose of section 5103.038 of the Revised Code, the date by which a public children services agency, private child placing agency, or private noncustodial agency that seeks to operate a preplacement training program or continuing training program under section 5103.034 of the Revised Code must submit to the department a proposal outlining the program;

(B) Requirements governing the department's reimbursement of the Ohio child welfare training program and public children services agencies, private child placing agencies, and private noncustodial agencies under ~~section~~ sections 5103.0312 and 5103.0313 of the Revised Code;

(C) Any other matter the department considers appropriate.

Sec. 5103.07. The department of job and family services shall administer funds received under Title IV-B of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 620, as amended, and the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C.A. 5101, as amended, ~~and the "Family Violence Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as amended.~~ In administering these funds, the department may establish a child welfare services program, and a child abuse and neglect prevention and adoption reform program, ~~and a family violence prevention program.~~ The department has all powers necessary for the adequate administration of these funds and programs. The director of job and family services may adopt internal management rules in accordance with section 111.15 of the Revised Code ~~and issue appropriate orders as necessary for the adequate administration of these funds and programs to carry out the purposes of this section.~~

Sec. 5104.32. (A) Except as provided in division (C) of this section, all purchases of publicly funded child day-care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child day-care provider and the county department of job and family services. A county department of job and family services may enter into a contract with a provider for publicly funded child day-care for a specified period of time or upon a continuous basis for an unspecified period of time. All contracts for publicly funded child day-care shall be contingent upon the availability of state and federal funds. The department of job and family services shall prescribe a standard form to

be used for all contracts for the purchase of publicly funded child day-care, regardless of the source of public funds used to purchase the child day-care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state or county contracts or contracts involving the expenditure of state, county, or federal funds, all contracts for publicly funded child day-care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state or county contracts or contracts involving the expenditure of state, county, or federal funds.

(B) Each contract for publicly funded child day-care shall specify at least the following:

(1) Except as provided in division (B)(2) of this section, that the provider of publicly funded child day-care agrees to be paid for rendering services at the lower of the rate customarily charged by the provider for children enrolled for child day-care or the rate of reimbursement established pursuant to section 5104.30 of the Revised Code;

(2) If the provider provides publicly funded child day-care to caretaker parents who work nontraditional hours, that the provider is to be paid for rendering services to those caretaker parents at the rate of reimbursement established pursuant to section 5104.30 of the Revised Code regardless of whether that rate is higher than the rate the provider customarily charges for children enrolled for child day-care;

(3) That, if a provider provides child day-care to an individual potentially eligible for publicly funded child day-care who is subsequently determined to be eligible, the county department agrees to pay for all child day-care provided between the date the county department receives the individual's completed application and the date the individual's eligibility is determined;

(4) Whether the county department of job and family services, the provider, or a child day-care resource and referral service organization will make eligibility determinations, whether the provider or a child day-care resource and referral service organization will be required to collect information to be used by the county department to make eligibility determinations, and the time period within which the provider or child day-care resource and referral service organization is required to complete required eligibility determinations or to transmit to the county department any information collected for the purpose of making eligibility determinations;

(5) That the provider, other than a border state child day-care provider, shall continue to be licensed, approved, or certified pursuant to this chapter

or sections 3301.52 to 3301.59 of the Revised Code and shall comply with all standards and other requirements in this chapter and those sections and in rules adopted pursuant to this chapter or those sections for maintaining the provider's license, approval, or certification;

(6) That, in the case of a border state child day-care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

(7) Whether the provider will be paid by the county department of job and family services or the state department of job and family services;

(8) That the contract is subject to the availability of state and federal funds;

~~(9) That, for each six-month period the provider provides publicly funded child day-care to a child, the provider will be paid for up to ten days, or, at the option of the county department, a greater number of days, the provider would have provided the child publicly funded child day-care had the child been present.~~

(C) Unless specifically prohibited by federal law, the county department of job and family services shall give individuals eligible for publicly funded child day-care the option of obtaining certificates for payment that the individual may use to purchase services from any provider qualified to provide publicly funded child day-care under section 5104.31 of the Revised Code. Providers of publicly funded child day-care may present these certificates for payment for reimbursement in accordance with rules that the director of job and family services shall adopt. Only providers may receive reimbursement for certificates for payment. The value of the certificate for payment shall be based on the lower of the rate customarily charged by the provider or the rate of reimbursement established pursuant to section 5104.30 of the Revised Code, unless the provider provides publicly funded child day-care to caretaker parents who work nontraditional hours, in which case the value of the certificate for payment for the services to those caretaker parents shall be based on the rate of reimbursement established pursuant to that section regardless of whether that rate is higher than the rate customarily charged by the provider. The county department may provide the certificates for payment to the individuals or may contract with child day-care providers or child day-care resource and referral service organizations that make determinations of eligibility for publicly funded child day-care pursuant to contracts entered into under section 5104.34 of the Revised Code for the providers or resource and referral service

organizations to provide the certificates for payment to individuals whom they determine are eligible for publicly funded child day-care.

For each six-month period a provider of publicly funded child day-care provides publicly funded child day-care to the child of an individual given certificates of payment, the individual shall provide the provider certificates for days the provider would have provided publicly funded child day-care to the child had the child been present. County departments shall specify the maximum number of days providers will be provided certificates of payment for days the provider would have provided publicly funded child day-care had the child been present. The maximum number of days shall be at least not exceed ten days in a six-month period during which publicly funded child day-care is provided to the child regardless of the number of providers that provide publicly funded child day-care to the child during that period.

Sec. 5104.341. (A) Except as provided in division (B) of this section, both of the following apply:

(1) An eligibility determination made under section 5104.34 of the Revised Code for publicly funded child day-care is valid for one year;

(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.

(B) Division (A) of this section does not apply in either of the following circumstances:

(1) The publicly funded child day-care is provided under division (B)(4) of section 5104.35 of the Revised Code;

(2) The recipient of the publicly funded child day-care ceases to be eligible for publicly funded child day-care.

Sec. 5107.02. As used in this chapter:

(A) "Adult" means an individual who is not a minor child.

(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.

(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.

(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;

(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";

(d) First cousins and first cousins once removed.

(2) Stepparents and stepsiblings;

(3) Spouses and former spouses of individuals named in division (I)(1) or (2) of this section.

(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.

Sec. 5107.10. (A) As used in this section:

(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.

(2) "Gross income" means gross earned income and gross unearned

income.

(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.

(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code.

(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:

(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following:

(a) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child;

(b) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local adoption assistance;

(c) A specified relative residing with and caring for a minor child who is related to the specified relative in a manner that makes the specified relative a specified relative and receives supplemental security income or federal, state, or local foster care or adoption assistance;

(d) A woman at least six months pregnant.

(2) The assistance group must meet the income requirements established by division (D) of this section.

(3) No member of the assistance group may be involved in a strike.

(4) The assistance group must satisfy the requirements for Ohio works first established by this chapter and sections ~~5101.49~~, 5101.58, 5101.59, and 5101.83 of the Revised Code.

(5) The assistance group must meet requirements for Ohio works first

established by rules adopted under section 5107.05 of the Revised Code.

(D)(1) Except as provided in division (D)(3) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following:

(a) Determine whether the assistance group's gross income exceeds the following amount:

Size of Assistance Group	Gross Income
1	\$423
2	\$537
3	\$630
4	\$750
5	\$858
6	\$942
7	\$1,038
8	\$1,139
9	\$1,241
10	\$1,343
11	\$1,440
12	\$1,542
13	\$1,643
14	\$1,742
15	\$1,844

For each person in the assistance group that brings the assistance group to more than fifteen persons, add one hundred two dollars to the amount of gross income for an assistance group of fifteen specified in division (D)(1)(a) of this section.

In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds the amount specified in division (D)(1)(a) of this section.

(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed the amount specified in that division, determine whether the assistance group's countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) To determine whether an assistance group participating in Ohio

works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard the first two hundred fifty dollars and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(3) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of job and family services shall use the income requirement established by division (D)(2) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of job and family services at the time the agency removes the children that it believes the children will be able to return to the assistance group within six months;

(b) Informs the county department at the end of each of the first five months after the agency removes the children that the parent, guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under section 2151.412 of the Revised Code and that the agency is making reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio works first pursuant to division (E)(1) of this section for not more than six payment months. This division does not affect the eligibility of an assistance group that includes a woman at least six months pregnant.

Sec. 5107.14. An assistance group is ineligible to participate in Ohio works first unless the minor head of household or each adult member of the assistance group, not later than thirty days after applying for or undergoing a redetermination of eligibility for the program, enters into a written self-sufficiency contract with the county department of job and family services. The contract shall set forth the rights and responsibilities of the assistance group as applicants for and participants of the program, including work responsibilities established under sections 5107.40 to 5107.69 of the

Revised Code and other requirements designed to assist the assistance group in achieving self sufficiency and personal responsibility. The county department shall provide without charge a copy of the contract to each assistance group member who signs it.

Each self-sufficiency contract shall include, based on appraisals conducted under section 5107.41 of the Revised Code and assessments conducted under section 5107.70 of the Revised Code, the following:

(A) The assistance group's plan, developed under section 5107.41 of the Revised Code, to achieve the goal of self sufficiency and personal responsibility through unsubsidized employment within the time limit for participating in Ohio works first established by section 5107.18 of the Revised Code;

(B) Work activities, developmental activities, and alternative work activities to which members of the assistance group are assigned under sections 5107.40 to 5107.69 of the Revised Code;

(C) The responsibility of a caretaker member of the assistance group to cooperate in establishing a minor child's paternity and establishing, modifying, and enforcing a support order for the child in accordance with section 5107.22 of the Revised Code;

(D) Other responsibilities that members of the assistance group must satisfy to participate in Ohio works first and the consequences for failure or refusal to satisfy the responsibilities;

(E) An agreement that the assistance group will comply with the conditions of participating in Ohio works first established by this chapter and sections ~~5101.49~~, 5101.58, 5101.59, and 5101.83 of the Revised Code;

(F) Assistance and services the county department will provide to the assistance group;

(G) Assistance and services the child support enforcement agency and public children services agency will provide to the assistance group pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code;

(H) Other provisions designed to assist the assistance group in achieving self sufficiency and personal responsibility;

(I) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended;

(J) Procedures for amending the contract.

Sec. 5107.18. (A) Except as provided in divisions (B), (C), (D), and (E) of this section, an assistance group is ineligible to participate in Ohio works first if the assistance group includes an ~~adult~~ individual who has participated in the program for thirty-six months as any of the following: an adult head

of household, minor head of household, or spouse of an adult head of household or minor head of household. The time limit applies regardless of whether the thirty-six months are consecutive.

(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, whether consecutive or not, 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 participate in Ohio works first for more than twenty-four additional months. The time limit applies regardless of whether the twenty-four months are consecutive.

(C) In determining the number of months a parent or pregnant woman has received assistance under Title IV-A, a county department of job and family services shall disregard any month during which the parent or pregnant woman was a minor child but was neither a minor head of household nor married to the head of an assistance group.

(D) In determining the number of months an adult has received assistance under Title IV-A, a county department of job and family services shall disregard any month during which the adult lived on an Indian reservation or in an Alaska native village, as those terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, at least one thousand individuals lived on the reservation or in the village and at least fifty per cent of the adults living on the reservation or in the village were unemployed.

(E) A county department of job and family services may exempt not more than twenty per cent of the average monthly number of Ohio works first ~~participants~~ assistance groups from the time limit established by this section on the grounds that the county department determines that the time limit is a hardship. In the case of the time limit established by division (A) of this section, a county department may not exempt an assistance group until the group has exhausted its thirty-six months of cash assistance.

(F) The department of job and family services shall continually monitor the percentage of the average monthly number of Ohio works first ~~participants~~ assistance groups in each county that is exempted under division (E) of this section from the time limit established by this section. On determining that the percentage in any county equals or exceeds eighteen per cent, the department shall immediately notify the county department of job and family services.

(G) Only participation in Ohio works first on or after October 1, 1997, applies to the time limit established by this section. The time limit applies regardless of the source of funding for the program. Assistance under Title IV-A provided by any state applies to the time limit. The time limit is a lifetime limit. No assistance group shall receive assistance under the program in violation of the time limit for assistance under Title IV-A established by section 408(a)(7) of the "Social Security Act," as amended by the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 U.S.C.A. 608 (a)(7).

Sec. 5108.01. As used in this chapter:

(A) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for the prevention, retention, and contingency program.

~~(B) "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.~~

~~(C)~~ "Prevention, retention, and contingency program" means the program established by this chapter and funded in part with federal funds provided under Title IV-A.

~~(D)~~(C) "Title IV-A" means Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

~~Sec. 5108.06~~ 5108.03. Under the prevention, retention, and contingency program, ~~an assistance group that includes at least one minor child or a pregnant woman and meets the program's eligibility requirements~~ a county department of job and family services shall receive assistance or provide benefits and services needed that individuals need to overcome immediate barriers to achieving or maintaining self sufficiency and personal responsibility. A county department shall provide the benefits and services in accordance with either the model design for the program that the department of job and family services develops under section 5108.05 of the Revised Code or the county department's own policies for the program

developed under section 5108.06 of the Revised Code.

~~Sec. 5108.07 5108.05.~~ The department of job and family services shall develop a model design for the prevention, retention, and contingency program that county departments of job and family services may adopt under section ~~5108.08 5108.06~~ of the Revised Code. ~~The model design must be consistent with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and amendments to the plan.~~ No rules shall be adopted to develop the model design. The department shall provide each county department a written copy of the model design.

~~Sec. 5108.08 5108.06.~~ Each county department of job and family services shall either adopt the model design for the prevention, retention, and contingency program the department of job and family services develops under section ~~5108.07 5108.05~~ of the Revised Code or develop its own policies for the program. To develop its own policies, a county department shall adopt a written statement of the policies governing the program. The policies may be a modification of the model design, different from the model design, or a combination. ~~The policies shall establish or specify eligibility requirements, assistance or services to be provided under the program, administrative requirements, and other matters the county department determines necessary.~~ A county department may amend its statement of policies to modify, terminate, and establish new policies. ~~The policies must be consistent with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and amendments to the plan.~~

A county department of job and family services shall inform the department of job and family services of whether it has adopted the model design or developed its own policies for the prevention, retention, and contingency program. If a county department develops its own policies, it shall provide the department a written copy of the statement of policies and any amendments it adopts to the statement.

Sec. 5108.07. The model design for the prevention, retention, and contingency program that the department of job and family services develops under section 5108.05 of the Revised Code and policies for the program that a county department of job and family services may develop under section 5108.06 of the Revised Code shall establish or specify eligibility requirements for assistance groups that apply for the program under section 5108.10 of the Revised Code, benefits and services to be provided under the program to assistance groups, administrative

requirements, and other matters the department, in the case of the model design, or a county department, in the case of county policies, determine are necessary.

The model design and a county department's policies may establish eligibility requirements for, and specify benefits and services to be provided to, types of groups, such as students in the same class, that share a common need for the benefits and services. If the model design or a county department's policies include such a provision, the model design or county department's policies shall require that each individual who is to receive the benefits and services meet the eligibility requirements established for the type of group of which the individual is a member. The model design or county department's policies also shall require that the county department providing the benefits and services certify the group's eligibility, specify the duration that the group is to receive the benefits and services, and maintain the eligibility information for each member of the group receiving the benefits and services.

The model design and a county department's policies may specify benefits and services that a county department may provide for the general public, including billboards that promote the prevention, and reduction in the incidence, of out-of-wedlock pregnancies or encourage the formation and maintenance of two-parent families.

The model design and a county department's policies must be consistent with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and amendments to the plan. All benefits and services to be provided under the model design or a county department's policies must be allowable uses of federal Title IV-A funds as specified in 42 U.S.C.A. 604(a), except that they may not be "assistance" as defined in 45 C.F.R. 260.31(a). The benefits and services shall be benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

Sec. 5108.08. Benefits and services provided under the prevention, retention, and contingency program are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like process.

Sec. 5108.09. When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding the prevention, retention, and contingency program, the hearing officer, director of job and family services, or director's designee shall base the decision in the hearing or appeal on the

following:

(A) If the county department of job and family services involved in the hearing or appeal adopted the department of job and family services' model design for the program developed under section ~~5108.07~~ 5108.05 of the Revised Code, the model design;

(B) If the county department developed its own policies for the program, the county department's written statement of policies adopted under section ~~5108.08~~ 5108.06 of the Revised Code and any amendments the county department adopted to the statement.

Sec. 5108.10. An assistance group seeking to participate in the prevention, retention, and contingency program shall apply to a county department of job and family services using an application containing information the county department requires.

When a county department receives an application for participation in the prevention, retention, and contingency program, it shall promptly make an investigation and record of the circumstances of the applicant in order to ascertain the facts surrounding the application and to obtain such other information as may be required. On completion of the investigation, the county department shall determine whether the applicant is eligible to participate, the ~~assistance~~ benefits or services the applicant should receive, and the approximate date when participation is to begin.

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~~ 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. ~~304~~ 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.

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.

(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:

(1) Families with children that meet either of the following conditions:

(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 or any changes the department makes to those requirements in accordance with paragraph (a)(2) of section 114 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of implementing section 5111.019 of the Revised Code. An adult loses eligibility for medical assistance under division (A)(1)(a) of this section pursuant to division (E) of section 5107.16 of the Revised Code.

(b) The family does not meet the requirements specified in division (A)(1)(a) of this section but is eligible for medical assistance pursuant to section 5101.18 of the Revised Code.

(2) Aged, blind, and disabled persons who meet the following conditions:

(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy-five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.

(b) Do not receive aid under Title XVI, but meet any of the following criteria:

(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income under Title XVI, exceeds the maximum under division (A)(2)(a) of this section, and incurred expenses for medical care, as determined under federal regulations applicable to section 209(b) of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which their income exceeds the maximum under division (A)(2)(a) of this section;

(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;

(iii) Are eligible for medical assistance pursuant to section 5101.18 of the Revised Code.

(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medical assistance be provided;

(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.

(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.

(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.

(D) In addition to any other authority or requirement to 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 state subsidy and local funds to match Title XIX reimbursement funds earned by the facilities. Reimbursement for eligible services shall be based on the prospective cost of providing the services as developed in standards adopted as part of the comprehensive annual plan.

(D) As used in this section, "mental health professional" means a person qualified to work with mentally ill persons under the ~~minimum~~ standards established by the director of mental health pursuant to section ~~5119.61~~

5119.611 of the Revised Code.

(E) With respect to services established by division (A) of this section, the department of job and family services shall enter into a separate contract with the department of mental health. The terms of the contract between the department of job and family services and the department of mental health shall specify both of the following:

(1) That the department of mental health and boards of alcohol, drug addiction, and mental health services shall provide state and local matching funds for Title XIX of the "Social Security Act," for reimbursement of services established by division (A) of this section;

(2) How the community mental health facilities described in division (B) of this section will be paid for providing the services established by division (A) of this section.

Sec. 5111.041. (A) As used in this section, ~~"habilitation;~~

(1) "Habilitation center" means a habilitation center certified under section 5123.041 of the Revised Code by the director of mental retardation and developmental disabilities ~~for the provision of~~ to provide habilitation center services under this section.

(2) "Habilitation center services" means services provided by a habilitation center.

~~(B) Habilitation centers shall verify the availability of matching funds for Title XIX of the Social Security Act for reimbursement of habilitation services as defined in section 5123.041 of the Revised Code and such matching funds shall be provided in accordance with 42 C.F.R. 433.45 To the extent provided in rules adopted under division (C) of this section and permitted by the availability of funds, the medicaid program shall cover habilitation center services.~~

(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the medicaid program's coverage of habilitation center services. The rules shall establish or provide for all of the following:

(1) The requirements a habilitation center must meet to obtain certification under section 5123.041 of the Revised Code;

(2) Making habilitation center services available to medicaid recipients with a medical need for the services;

(3) The amount, duration, and scope of the medicaid program's coverage of the habilitation center services, including all of the following:

(a) The conditions under which the medicaid program covers the habilitation center services;

(b) The amount the medicaid program pays for the habilitation center

services or the method by which the amount is determined:

(c) The manner in which the medicaid program pays for the habilitation center services.

(D) A county board of mental retardation and developmental disabilities that has medicaid local administrative authority under division (B) of section 5126.055 of the Revised Code for habilitation center services shall pay the nonfederal share of medicaid expenditures for the services if all of the following apply:

(1) The habilitation center services are provided to a medicaid recipient who is a current resident of the county that the county board serves;

(2) The county board has determined, under section 5126.041 of the Revised Code, that the medicaid recipient is eligible for county board services;

(3) The habilitation center services are provided by a habilitation center with a medicaid provider agreement.

(4) No school district is required to pay the nonfederal share under division (E) of this section.

(E) A school district shall pay the nonfederal share of medicaid expenditures for habilitation center services if all of the following apply:

(1) The habilitation center services are provided to a medicaid recipient who is a student enrolled in a school of the district;

(2) The habilitation center services are included in the student's individualized education program provided under section 3323.08 of the Revised Code;

(3) The school district has a medicaid provider agreement to provide habilitation center services;

(4) The habilitation center services are provided by a habilitation center with a medicaid provider agreement.

(F) The departments of mental retardation and developmental disabilities and job and family services may approve, reduce, deny, or terminate a service included in the individualized service plan developed for a medicaid recipient eligible for habilitation center services. The departments shall consider the recommendations a county board of mental retardation and developmental disabilities makes under division (B)(1) of section 5126.055 of the Revised Code. If either department approves, reduces, denies, or terminates a service, that department shall timely notify the medicaid recipient that the recipient may request a hearing under section 5101.35 of the Revised Code.

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, well child, or primary care services and is funded in whole or in part by the state or federal government.~~

~~(B) On receipt of a waiver from the United States department of health and human services of any federal requirement that would otherwise be violated, the department of job and family services shall may establish in Franklin, Hamilton, and Lucas some or all counties a managed care system under which designated recipients of medical assistance are required to obtain medical health care services from providers designated by the department. The department may stagger implementation of the managed care system, but the system shall be implemented in at least one county not later than January 1, 1995, and in all three counties not later than July 1, 1996.~~

~~(C)(B) The department, by rule adopted under this section, may require any recipients in any other county to receive all or some of their care through managed care organizations that contract with the department and are paid by the department pursuant to a capitation or other risk-based methodology prescribed in the rules, and to receive their care only from providers designated by the organizations may enter into contracts with managed care organizations to authorize the organizations to provide, or arrange for the provision of, health care services to medical assistance recipients participating in a managed care system established under this section.~~

~~(D) In accordance with rules adopted under division (G) of this section,~~

~~the department may issue requests for proposals from managed care organizations interested in contracting with the department to provide managed care to participating medical assistance recipients.~~

~~(E) A health insuring corporation under contract with the department under this section may enter into an agreement with any 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.~~

~~(F)(C) For the purpose of determining the amount the department pays hospitals under section 5112.08 of the Revised Code and the amount of disproportionate share hospital payments paid by the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, each managed care organization under contract with the department to provide managed care hospital services to participating medical assistance recipients shall keep detailed records for each hospital with which it contracts about the cost to the hospital of providing the care, payments made by the organization to the hospital for the care, utilization of hospital services by medical assistance recipients participating in managed care, and other utilization data required by the department.~~

~~(G)(D) The director of job and family services shall may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.~~

Sec. 5111.171. (A) The department of job and family services may provide financial incentive awards to managed care organizations that contract with the department under section 5111.17 of the Revised Code to provide health care services to participating medical assistance recipients and that meet or exceed performance standards specified in provider agreements or rules adopted by the department. The department may specify in a contract with a managed care organization the amounts of financial incentive awards, methodology for distributing awards, types of awards, and standards for administration by the department.

(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 nmeet 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 be made for the day a recipient is discharged from the facility.

(2) Provide copies of rules governing the facility's participation as a provider in the medical assistance program. Whenever the director of job and family services files a proposed rule or proposed rule in revised form under division (D) of section 111.15 or division (B) of section 119.03 of the Revised Code, the department shall provide the facility with one copy of such rule. In the case of a rescission or proposed rescission of a rule, the department may provide the rule number and title instead of the rules rescinded or proposed to be rescinded.

(B) The provider agrees to:

(1) Maintain eligibility as provided in section 5111.21 of the Revised Code;

(2) Keep records relating to a cost reporting period for the greater of seven years after the cost report is filed or, if the department issues an audit report in accordance with division (B) of section 5111.27 of the Revised Code, six years after all appeal rights relating to the audit report are exhausted;

(3) File reports as required by the department;

(4) Open all records relating to the costs of its services for inspection and audit by the department;

(5) Open its premises for inspection by the department, the department of health, and any other state or local authority having authority to inspect;

(6) Supply to the department such information as it requires concerning the facility's services to patients who are or are eligible to be medicaid recipients;

(7) Comply with section 5111.31 of the Revised Code.

The provider agreement may contain other provisions that are consistent with law and considered necessary by the department.

A provider agreement shall be effective for no longer than twelve months, except that if federal statute or regulations authorize a longer term, it may be effective for a longer term so authorized. A provider agreement may be renewed only if the facility is certified by the department of health for participation in the medicaid program.

The department of job and family services, in accordance with rules adopted by the director pursuant to Chapter 119. of the Revised Code, may elect not to enter into, not to renew, or to terminate a provider agreement when the department determines that such an agreement would not be in the best interests of the recipients or of the state.

Sec. 5111.231. (A)(1) The department of job and family services shall determine case-mix scores for nursing facilities using data for each resident, regardless of payment source, from a resident assessment instrument specified in rules adopted in accordance with Chapter 119. of the ~~Revised~~ Revised Code pursuant to section ~~1919~~ 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, and the case-mix values established by the United States department of health and human services. Except as modified in rules adopted under division (A)(1)(c) of this section, the department also shall use the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program established by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended. The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code that do any of the following:

(a) Adjust the case-mix values to reflect changes in relative wage differentials that are specific to this state;

(b) Express all of the case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values

to one another;

(c) Modify the grouper methodology as follows:

(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;

(ii) Prohibit the use of the index maximizer element of the methodology;

(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;

(iv) Make other changes the ~~medicaid long term care~~ nursing facility reimbursement study council established by section 5111.34 of the Revised Code approves.

(2) The department shall determine case-mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident assessment instrument and grouper methodology prescribed in rules adopted in accordance with Chapter 119. of the Revised Code and expressed in case-mix values established by the department in those rules. ~~The department may change the grouper methodology prescribed in rules in effect on June 30, 1999, only if the medicaid long term care reimbursement study council approves the change.~~

(B) Not later than fifteen days after the end of each calendar quarter, each nursing facility and intermediate care facility for the mentally retarded shall submit to the department the complete assessment data, from the instrument specified in rules adopted under division (A) of this section, for each resident, regardless of payment source, who was in the facility or on hospital or therapeutic leave from the facility on the last day of the quarter.

Except as provided in division (C) of this section, the department, after the end of each calendar year and pursuant to procedures specified in rules adopted in accordance with Chapter 119. of the Revised Code, shall calculate an annual average case-mix score for each nursing facility and intermediate care facility for the mentally retarded using the facility's quarterly case-mix scores for that calendar year.

(C)(1) If a facility does not timely submit information for a calendar quarter necessary to calculate its case-mix score, or submits incomplete or inaccurate information for a calendar quarter, the department may assign the facility a quarterly average case-mix score that is five per cent less than the facility's quarterly average case-mix score for the preceding calendar quarter. If the facility was subject to an exception review under division (C) of section 5111.27 of the Revised Code for the preceding calendar quarter, the department may assign a quarterly average case-mix score that is five per cent less than the score determined by the exception review. If the

facility was assigned a quarterly average case-mix score for the preceding quarter, the department may assign a quarterly average case-mix score that is five per cent less than that score assigned for the preceding quarter.

The department may use a quarterly average case-mix score assigned under division (C)(1) of this section, instead of a quarterly average case-mix score calculated based on the facility's submitted information, to calculate the facility's rate for direct care costs being established under section 5111.23 of the Revised Code for one or more months, as specified in rules adopted under division (D) of this section, of the quarter for which the rate established under section 5111.23 of the Revised Code will be paid.

Before taking action under division (C)(1) of this section, the department shall permit the facility a reasonable period of time, specified in rules adopted under division (D) of this section, to correct the information. In the case of an intermediate care facility for the mentally retarded, the department shall not assign a quarterly average case-mix score due to late submission of corrections to assessment information unless the facility fails to submit corrected information prior to the eighty-first day after the end of the calendar quarter to which the information pertains. In the case of a nursing facility, the department shall not assign a quarterly average case-mix score due to late submission of corrections to assessment information unless the facility fails to submit corrected information prior to the earlier of the eighty-first day after the end of the calendar quarter to which the information pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Titles XVIII and XIX of the Social Security Act.

(2) If a facility is paid a rate calculated using a quarterly average case-mix score assigned under division (C)(1) of this section for more than six months in a calendar year, the department may assign the facility a cost per case-mix unit that is five per cent less than the facility's actual or assigned cost per case-mix unit for the preceding calendar year. The department may use the assigned cost per case-mix unit, instead of calculating the facility's actual cost per case-mix unit in accordance with section 5111.23 of the Revised Code, to establish the facility's rate for direct care costs for the following fiscal year.

(3) The department shall take action under division (C)(1) or (2) of this section only in accordance with rules adopted under division (D) of this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5111.27 and 5111.28 of the Revised Code.

(D) The director may adopt rules in accordance with Chapter 119. of the

Revised Code that do any of the following:

(1) Specify the medium or media through which the completed assessment information shall be submitted;

(2) Establish procedures under which the department will review assessment information for accuracy and notify the facility of any information that requires correction;

(3) Establish procedures for facilities to correct assessment information. The procedures may prohibit an intermediate care facility for the mentally retarded from submitting corrected assessment information, for the purpose of calculating its annual average case-mix score, more than two calendar quarters after the end of the quarter to which the information pertains or, if the information pertains to the quarter ending the thirty-first day of December, after the thirty-first day of the following March. The procedures may limit the content of corrections by nursing facilities in the manner required by regulations adopted by the United States department of health and human services under Titles XVIII and XIX of the Social Security Act and prohibit a nursing facility from submitting corrected assessment information, for the purpose of calculating its annual average case-mix score, more than the earlier of the following:

(a) Two calendar quarters after the end of the quarter to which the information pertains or, if the information pertains to the quarter ending the thirty-first day of December, after the thirty-first day of the following March;

(b) The deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Titles XVIII and XIX of the Social Security Act.

(4) Specify when and how the department will assign case-mix scores or costs per case-mix unit under division (C) of this section if information necessary to calculate the facility's average annual or quarterly case-mix score is not provided or corrected in accordance with the procedures established by the rules. Notwithstanding any other provision of sections 5111.20 to 5111.32 of the Revised Code, the rules also may provide for exclusion of case-mix scores assigned under division (C) of this section from calculation of the facility's annual average case-mix score and the maximum cost per case-mix unit for the facility's peer group.

Sec. 5111.25. (A) The department of job and family services shall pay each eligible nursing facility a per resident per day rate for its reasonable capital costs established prospectively each fiscal year for each facility. Except as otherwise provided in sections 5111.20 to 5111.32 of the Revised Code, the rate shall be based on the facility's capital costs for the calendar

ar preceding the fiscal year in which the rate will be paid. The rate shall equal the sum of divisions (A)(1) to (3) of this section:

(1) The lesser of the following:

(a) Eighty-eight and sixty-five one-hundredths per cent of the facility's desk-reviewed, actual, allowable, per diem cost of ownership and eighty-five per cent of the facility's actual, allowable, per diem cost of nonextensive renovation determined under division (F) of this section;

(b) Eighty-eight and sixty-five one-hundredths per cent of the following limitation:

(i) For the fiscal year beginning July 1, 1993, sixteen dollars per resident day;

(ii) For the fiscal year beginning July 1, 1994, sixteen dollars per resident day, adjusted to reflect the rate of inflation for the twelve-month period beginning July 1, 1992, and ending June 30, 1993, using the consumer price index for shelter costs for all urban consumers for the north central region, published by the United States bureau of labor statistics;

(iii) For subsequent fiscal years, the limitation in effect during the previous fiscal year, adjusted to reflect the rate of inflation for the twelve-month period beginning on the first day of July for the calendar year preceding the calendar year that precedes the fiscal year and ending on the following thirtieth day of June, using the consumer price index for shelter costs for all urban consumers for the north central region, published by the United States bureau of labor statistics.

(2) Any efficiency incentive determined under division (D) of this section;

(3) Any amounts for return on equity determined under division (H) of this section.

Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules adopted under this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in cost of ownership or renovation unless that part of the payment under sections 5111.20 to 5111.32 of the Revised Code is used to reimburse the government agency.

(B) The capital cost basis of nursing facility assets shall be determined in the following manner:

(1) For purposes of calculating the rate to be paid for the fiscal year beginning July 1, 1993, for facilities with dates of licensure on or before June 30, 1993, the capital cost basis shall be equal to the following:

(a) For facilities that have not had a change of ownership during the period beginning January 1, 1993, and ending June 30, 1993, the desk-reviewed, actual, allowable capital cost basis that is listed on the facility's cost report for the cost reporting period ending December 31, 1992, plus the actual, allowable capital cost basis of any assets constructed or acquired after December 31, 1992, but before July 1, 1993, if the aggregate capital costs of those assets would increase the facility's rate for capital costs by twenty or more cents per resident per day.

(b) For facilities that have a date of licensure or had a change of ownership during the period beginning January 1, 1993, and ending June 30, 1993, the actual, allowable capital cost basis of the person or government entity that owns the facility on June 30, 1993.

Capital cost basis shall be calculated as provided in division (B)(1) of this section subject to approval by the United States health care financing administration of any necessary amendment to the state plan for providing medical assistance.

The department shall include the actual, allowable capital cost basis of assets constructed or acquired during the period beginning January 1, 1993, and ending June 30, 1993, in the calculation for the facility's rate effective July 1, 1993, if the aggregate capital costs of the assets would increase the facility's rate by twenty or more cents per resident per day and the facility provides the department with sufficient documentation of the costs before June 1, 1993. If the facility provides the documentation after that date, the department shall adjust the facility's rate to reflect the costs of the assets one month after the first day of the month after the department receives the documentation.

(2) Except as provided in division (B)(4) of this section, for purposes of calculating the rates to be paid for fiscal years beginning after June 30, 1994, for facilities with dates of licensure on or before June 30, 1993, the capital cost basis of each asset shall be equal to the desk-reviewed, actual, allowable, capital cost basis that is listed on the facility's cost report for the calendar year preceding the fiscal year during which the rate will be paid.

(3) For facilities with dates of licensure after June 30, 1993, the capital cost basis shall be determined in accordance with the principles of the medicare program established under Title XVIII of the "Social Security

Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, except as otherwise provided in sections 5111.20 to 5111.32 of the Revised Code.

(4) Except as provided in division (B)(5) of this section, if a provider transfers an interest in a facility to another provider after June 30, 1993, there shall be no increase in the capital cost basis of the asset if the providers are related parties. If the providers are not related parties or if they are related parties and division (B)(5) of this section requires the adjustment of the capital cost basis under this division, the basis of the asset shall be adjusted by the lesser of the following:

(a) One-half of the change in construction costs during the time that the transferor held the asset, as calculated by the department of job and family services using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time that the transferor held the asset.

(5) If a provider transfers an interest in a facility to another provider who is a related party, the capital cost basis of the asset shall be adjusted as specified in division (B)(4) of this section for a transfer to a provider that is not a related party if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) Except as provided in division (B)(5)(c)(ii) of this section, the provider making the transfer retains no ownership interest in the facility;

(c) The department of job and family services determines that the transfer is an arm's length transaction pursuant to rules the department shall adopt in accordance with Chapter 119. of the Revised Code no later than December 31, 2000. The rules shall provide that a transfer is an arm's length transaction if all of the following apply:

(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.

(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The transfer satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the

transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (B)(5) of this section or actual, allowable cost of ownership was determined most recently under division (C)(9) of this section.

(C) As used in this division, "lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease. As used in this division, "new lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to the limitation specified in division (A)(1) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable cost of ownership during the term of the existing lease. The entire lease expense also is an actual, allowable cost of ownership if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to the limitation specified in division (A)(1) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable cost of ownership shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by the lesser of the following amounts:

(a) One-half of the change in construction costs during the time the lessor held each asset until the beginning of the lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to the limitation specified in division (A)(1) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable cost of ownership shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and

efore July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable cost of ownership shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of financing costs and interest expense at the inception of the lease or the imputed interest expense calculated at the inception of the lease using seventy per cent of the lessor's historical capital asset cost basis.

(4) Subject to the limitation specified in division (A)(1) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that was not initially operated under a lease and has been in existence for ten years, actual, allowable cost of ownership shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the entire historical capital asset cost basis of the lessor, adjusted by the lesser of the following:

(a) One-half of the change in construction costs during the time the lessor held each asset until the beginning of the lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(5) Subject to the limitation specified in division (A)(1) of this section, for a new lease of a facility that was operated under a lease on May 27, 1992, actual, allowable cost of ownership shall include the lesser of the annual new lease expense or the annual old lease payment. If the old lease was in effect for ten years or longer, the old lease payment from the beginning of the old lease shall be adjusted by the lesser of the following:

(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new

lease.

(6) Subject to the limitation specified in division (A)(1) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable cost of ownership shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (C)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be adjusted by the lesser of the following for purposes of calculating the annual amount under division (C)(2), (3), (4), or (6) of this section:

(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

In the case of a lease under division (C)(3) of this section of a facility for which a substantial commitment of money was made after December 22, 1992, and before July 1, 1993, the old lease payment shall be adjusted for the purpose of determining the annual amount.

(7) For any revision of a lease described in division (C)(1), (2), (3), (4), (5), or (6) of this section, or for any subsequent lease of a facility operated under such a lease, other than execution of a new lease, the portion of actual, allowable cost of ownership attributable to the lease shall be the same as before the revision or subsequent lease.

(8) Except as provided in division (C)(9) of this section, if a provider leases an interest in a facility to another provider who is a related party, the related party's actual, allowable cost of ownership shall include the lesser of the annual lease expense or the reasonable cost to the lessor.

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable cost of ownership shall include the annual lease expense, subject to the limitations specified in divisions (C)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (C)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department of job and family services determines that the lease is an arm's length transaction pursuant to rules the department shall adopt in accordance with Chapter 119. of the Revised Code no later than December 31, 2000. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (C)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.

(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The lease satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (B)(5) of this section or actual, allowable cost of ownership was determined most recently under division (C)(9) of this section.

(10) This division does not apply to leases of specific items of equipment.

(D)(1) Subject to division (D)(2) of this section, the department shall pay each nursing facility an efficiency incentive that is equal to fifty per cent of the difference between the following:

(a) Eighty-eight and sixty-five one-hundredths per cent of the facility's desk-reviewed, actual, allowable, per diem cost of ownership;

(b) The applicable amount specified in division (E) of this section.

(2) The efficiency incentive paid to a nursing facility shall not exceed the greater of the following:

(a) The efficiency incentive the facility was paid during the fiscal year ending June 30, 1994;

(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.

(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.

(E) The following amounts shall be used to calculate efficiency incentives for nursing facilities under this section:

(1) For facilities with dates of licensure prior to January 1, 1958, four dollars and twenty-four cents per patient day;

(2) For facilities with dates of licensure after December 31, 1957, but prior to January 1, 1968:

(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;

(b) Four dollars and twenty-four cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.

(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976:

(a) Six dollars and twenty-four cents per patient day if the cost of construction was five thousand one hundred fifty dollars or more per bed;

(b) Five dollars and twenty-four cents per patient day if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeded three thousand five hundred dollars per bed;

(c) Four dollars and twenty-four cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.

(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979:

(a) Seven dollars and twenty-four cents per patient day if the cost of construction was six thousand eight hundred dollars or more per bed;

(b) Six dollars and twenty-four cents per patient day if the cost of construction was less than six thousand eight hundred dollars per bed but exceeded five thousand one hundred fifty dollars per bed;

(c) Five dollars and twenty-four cents per patient day if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeded three thousand five hundred dollars per bed;

(d) Four dollars and twenty-four cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.

(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1981:

(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;

(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;

(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;

(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;

(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.

(6) For facilities with dates of licensure in 1981 or any year thereafter prior to December 22, 1992, the following amount:

(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;

(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 the six-dollar amount:

(i) Adjust the amount 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, using 1980 as the base year;

(ii) Increase the amount, as adjusted for inflation under division (E)(6)(b)(i) of this section, by one dollar and seventy-four cents.

(7) For facilities with dates of licensure on or after January 1, 1992, seven dollars and ninety-seven cents, adjusted for fluctuations in construction costs between 1991 and 1993 as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift, and then increased by one dollar and seventy-four cents.

For the fiscal year that begins July 1, 1994, each of the amounts listed in divisions (E)(1) to (7) of this section shall be increased by twenty-five cents. For the fiscal year that begins July 1, 1995, each of those amounts shall be increased by an additional twenty-five cents. For subsequent fiscal years, each of those amounts, as increased for the prior fiscal year, shall be adjusted to reflect the rate of inflation for the twelve-month period beginning on the first day of July of the calendar year preceding the calendar

year that precedes the fiscal year and ending on the following thirtieth day of June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.

If the amount established for a nursing facility under this division is less than the amount that applied to the facility under division (B) of former section 5111.25 of the Revised Code, as the former section existed immediately prior to December 22, 1992, the amount used to calculate the efficiency incentive for the facility under division (D)(2) of this section shall be the amount that was calculated under division (B) of the former section.

(F) Beginning July 1, 1993, regardless of the facility's date of licensure or the date of the nonextensive renovations, the rate for the costs of nonextensive renovations for nursing facilities shall be eighty-five per cent of the desk-reviewed, actual, allowable, per diem, nonextensive renovation costs. This division applies to nonextensive renovations regardless of whether they are made by an owner or a lessee. If the tenancy of a lessee that has made nonextensive renovations ends before the depreciation expense for the renovation costs has been fully reported, the former lessee shall not report the undepreciated balance as an expense.

(1) For a nonextensive renovation made after July 1, 1993, to qualify for payment under this division, both of the following conditions must be met:

(a) At least five years have elapsed since the date of licensure of the portion of the facility that is proposed to be renovated, except that this condition does not apply if the renovation is necessary to meet the requirements of federal, state, or local statutes, ordinances, rules, or policies.

(b) The provider has obtained prior approval from the department of job and family services, and if required the director of health has granted a certificate of need for the renovation under section 3702.52 of the Revised Code. The provider shall submit a plan that describes in detail the changes in capital assets to be accomplished by means of the renovation and the timetable for completing the project. The time for completion of the project shall be no more than eighteen months after the renovation begins. The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that specify criteria and procedures for prior approval of renovation projects. No provider shall separate a project with the intent to evade the characterization of the project as a renovation or as an extensive renovation. No provider shall increase the scope of a project after it is approved by the department of job and family services unless the increase in scope is approved by the department.

(2) The payment provided for in this division is the only payment that

shall be made for the costs of a nonextensive renovation. Nonextensive renovation costs shall not be included in costs of ownership, and a nonextensive renovation shall not affect the date of licensure for purposes of calculating the efficiency incentive under divisions (D) and (E) of this section.

(G) The owner of a nursing facility operating under a provider agreement shall provide written notice to the department of job and family services at least forty-five days prior to entering into any contract of sale for the facility or voluntarily terminating participation in the medical assistance program. After the date on which a transaction of sale is closed, the owner shall refund to the department the amount of excess depreciation paid to the facility by the department for each year the owner has operated the facility under a provider agreement and prorated according to the number of medicaid patient days for which the facility has received payment. If a nursing facility is sold after five or fewer years of operation under a provider agreement, the refund to the department shall be equal to the excess depreciation paid to the facility. If a nursing facility is sold after more than five years but less than ten years of operation under a provider agreement, the refund to the department shall equal the excess depreciation paid to the facility multiplied by twenty per cent, multiplied by the difference between ten and the number of years that the facility was operated under a provider agreement. If a nursing facility is sold after ten or more years of operation under a provider agreement, the owner shall not refund any excess depreciation to the department. The owner of a facility that is sold or that voluntarily terminates participation in the medical assistance program also shall refund any other amount that the department properly finds to be due after the audit conducted under this division. For the purposes of this division, "depreciation paid to the facility" means the amount paid to the nursing facility for cost of ownership pursuant to this section less any amount paid for interest costs, amortization of financing costs, and lease expenses. For the purposes of this division, "excess depreciation" is the nursing facility's depreciated basis, which is the owner's cost less accumulated depreciation, subtracted from the purchase price net of selling costs but not exceeding the amount of depreciation paid to the facility.

A cost report shall be filed with the department within ninety days after the date on which the transaction of sale is closed or participation is voluntarily terminated. The report shall show the accumulated depreciation, the sales price, and other information required by the department. The department shall provide for a bank, trust company, or savings and loan association to hold in escrow the amount of the last two monthly payments

to a nursing facility made pursuant to division (A)(1) of section 5111.22 of the Revised Code before a sale or termination of participation ~~shall be held in escrow by a bank, trust company, or savings and loan association, except that if~~ or, if the owner fails, within the time required by this division, to notify the department before entering into a contract of sale for the facility, the amount of the first two monthly payments made to the facility after the department learns of the contract, regardless of whether a new owner is in possession of the facility. If the amount the owner will be required to refund under this section is likely to be less than the amount of the ~~last~~ two monthly payments otherwise put into escrow under this division, the department shall take one of the following actions instead of withholding the amount of the ~~last~~ two monthly payments:

(1) In the case of an owner that owns other facilities that participate in the medical assistance program, obtain a promissory note in an amount sufficient to cover the amount likely to be refunded;

(2) In the case of all other owners, withhold the amount of the last monthly payment to the nursing facility or, if the owner fails, within the time required by this division, to notify the department before entering into a contract of sale for the facility, the amount of the first monthly payment made to the facility after the department learns of the contract, regardless of whether a new owner is in possession of the facility.

The department shall, within ninety days following the filing of the cost report, audit the cost report and issue an audit report to the owner. The department also may audit any other cost report that the facility has filed during the previous three years. In the audit report, the department shall state its findings and the amount of any money owed to the department by the nursing facility. The findings shall be subject to adjudication conducted in accordance with Chapter 119. of the Revised Code. No later than fifteen days after the owner agrees to a settlement, any funds held in escrow less any amounts due to the department shall be released to the owner and amounts due to the department shall be paid to the department. If the amounts in escrow are less than the amounts due to the department, the balance shall be paid to the department within fifteen days after the owner agrees to a settlement. If the department does not issue its audit report within the ninety-day period, the department shall release any money held in escrow to the owner. For the purposes of this section, a transfer of corporate stock, the merger of one corporation into another, or a consolidation does not constitute a sale.

If a nursing facility is not sold or its participation is not terminated after notice is provided to the department under this division, the department shall

order any payments held in escrow released to the facility upon receiving written notice from the owner that there will be no sale or termination. After written notice is received from a nursing facility that a sale or termination will not take place, the facility shall provide notice to the department at least forty-five days prior to entering into any contract of sale or terminating participation at any future time.

(H) The department shall pay each eligible proprietary nursing facility a return on the facility's net equity computed at the rate of one and one-half times the average interest rate on special issues of public debt obligations issued to the federal hospital insurance trust fund for the cost reporting period, except that no facility's return on net equity shall exceed ~~one dollar~~ fifty cents per patient day.

When calculating the rate for return on net equity, the department shall use the greater of the facility's inpatient days during the applicable cost reporting period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-five per cent.

(I) If a nursing facility would receive a lower rate for capital costs for assets in the facility's possession on July 1, 1993, under this section than it would receive under former section 5111.25 of the Revised Code, as the former section existed immediately prior to December 22, 1992, the facility shall receive for those assets the rate it would have received under the former section for each fiscal year beginning on or after July 1, 1993, until the rate it would receive under this section exceeds the rate it would have received under the former section. Any facility that receives a rate calculated under the former section 5111.25 of the Revised Code for assets in the facility's possession on July 1, 1993, also shall receive a rate calculated under this section for costs of any assets it constructs or acquires after July 1, 1993.

Sec. 5111.251. (A) The department of job and family services shall pay each eligible intermediate care facility for the mentally retarded for its reasonable capital costs, a per resident per day rate established prospectively each fiscal year for each intermediate care facility for the mentally retarded. Except as otherwise provided in sections 5111.20 to 5111.32 of the Revised Code, the rate shall be based on the facility's capital costs for the calendar year preceding the fiscal year in which the rate will be paid. The rate shall equal the sum of the following:

(1) The facility's desk-reviewed, actual, allowable, per diem cost of ownership for the preceding cost reporting period, limited as provided in divisions (C) and (F) of this section;

(2) Any efficiency incentive determined under division (B) of this

section;

(3) Any amounts for renovations determined under division (D) of this section;

(4) Any amounts for return on equity determined under division (I) of this section.

Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight line method over a period designated by the director of job and family services in rules adopted in accordance with Chapter 119. of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department of job and family services. Any rules adopted under this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in costs of ownership or renovation unless that part of the payment under sections 5111.20 to 5111.32 of the Revised Code is used to reimburse the government agency.

(B) The department of job and family services shall pay to each intermediate care facility for the mentally retarded an efficiency incentive equal to fifty per cent of the difference between any desk-reviewed, actual, allowable cost of ownership and the applicable limit on cost of ownership payments under division (C) of this section. For purposes of computing the efficiency incentive, depreciation for costs paid or reimbursed by any government agency shall be considered as a cost of ownership, and the applicable limit under division (C) of this section shall apply both to facilities with more than eight beds and facilities with eight or fewer beds. The efficiency incentive paid to a facility with eight or fewer beds shall not exceed three dollars per patient day, adjusted annually 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.

(C) Cost of ownership payments to intermediate care facilities for the mentally retarded with more than eight beds shall not exceed the following limits:

(1) For facilities with dates of licensure prior to January 1, 1958, not exceeding two dollars and fifty cents per patient day;

(2) For facilities with dates of licensure after December 31, 1957, but prior to January 1, 1968, not exceeding:

(a) Three dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;

(b) Two dollars and fifty cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.

(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding:

(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;

(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;

(c) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.

(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:

(a) Five dollars and fifty cents per patient day if the cost of construction was six thousand eight hundred dollars or more per bed;

(b) Four dollars and fifty cents per patient day if the cost of construction was less than six thousand eight hundred dollars per bed but exceeds five thousand one hundred fifty dollars per bed;

(c) Three dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeds three thousand five hundred dollars per bed;

(d) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.

(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:

(a) Six dollars per patient day if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;

(b) Five dollars and fifty cents per patient day if the cost of construction was less than seven thousand six hundred twenty-five dollars per bed but exceeds six thousand eight hundred dollars per bed;

(c) Four dollars and fifty cents per patient day if the cost of construction was six thousand eight hundred dollars or less per bed but exceeds five thousand one hundred fifty dollars per bed;

(d) Three dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or less but exceeds three thousand five hundred dollars per bed;

(e) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.

(6) For facilities with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:

(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;

(b) Six dollars per patient day if the beds were originally licensed as nursing home beds by the department of health.

(7) For facilities with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:

(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;

(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.

(8) For facilities with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:

(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;

(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.

(9) For facilities with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:

(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;

(b) Seven dollars and nine cents per patient day if the beds were originally licensed as nursing home beds by the department of health.

(10) For facilities with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:

(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;

(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.

(11) For facilities with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:

(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;

(b) Seven dollars and forty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.

(12) For facilities with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:

(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;

(b) Seven dollars and fifty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.

(13) For facilities with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding:

(a) Twelve dollars and ninety-nine cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;

(b) Seven dollars and sixty-seven cents per patient day if the beds were originally licensed as nursing home beds by the department of health.

(14) For facilities with dates of licensure after December 31, 1987, but prior to January 1, 1989, not exceeding thirteen dollars and twenty-six cents per patient day;

(15) For facilities with dates of licensure after December 31, 1988, but prior to January 1, 1990, not exceeding thirteen dollars and forty-six cents per patient day;

(16) For facilities with dates of licensure after December 31, 1989, but prior to January 1, 1991, not exceeding thirteen dollars and sixty cents per patient day;

(17) For facilities with dates of licensure after December 31, 1990, but prior to January 1, 1992, not exceeding thirteen dollars and forty-nine cents per patient day;

(18) For facilities with dates of licensure after December 31, 1991, but prior to January 1, 1993, not exceeding thirteen dollars and sixty-seven cents per patient day;

(19) For facilities with dates of licensure after December 31, 1992, not exceeding fourteen dollars and twenty-eight cents per patient day.

(D) Beginning January 1, 1981, regardless of the original date of licensure, the department of job and family services shall pay a rate for the per diem capitalized costs of renovations to intermediate care facilities for the mentally retarded made after January 1, 1981, not exceeding six dollars per patient day using 1980 as the base year and adjusting the amount

nually 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. No provider shall separate a project with the intent to evade the characterization of the project as a renovation or as an extensive renovation. No provider shall increase the scope of a project after it is approved by the department of job and family services unless the increase in scope is approved by the department.

(E) The amounts specified in divisions (C) and (D) of this section shall be adjusted beginning July 1, 1993, for the estimated inflation for the twelve-month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year for which rate will be paid and ending on the thirtieth day of the following June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.

(F)(1) For facilities of eight or fewer beds that have dates of licensure or

have been granted project authorization by the department of mental retardation and developmental disabilities before July 1, 1993, and for facilities of eight or fewer beds that have dates of licensure or have been granted project authorization after that date if the facilities demonstrate that they made substantial commitments of funds on or before that date, cost of ownership shall not exceed eighteen dollars and thirty cents per resident per day. The eighteen-dollar and thirty-cent amount shall be increased by the change in the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift, during the period beginning June 30, 1990, and ending July 1, 1993, and by the change in the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics, annually thereafter.

(2) For facilities with eight or fewer beds that have dates of licensure or have been granted project authorization by the department of mental retardation and developmental disabilities on or after July 1, 1993, for which substantial commitments of funds were not made before that date, cost of ownership payments shall not exceed the applicable amount calculated under division (F)(1) of this section, if the department of job and family services gives prior approval for construction of the facility. If the department does not give prior approval, cost of ownership payments shall not exceed the amount specified in division (C) of this section.

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this section, the total payment for cost of ownership, cost of ownership efficiency incentive, and capitalized costs of renovations for an intermediate care facility for the mentally retarded with eight or fewer beds shall not exceed the sum of the limitations specified in divisions (C) and (D) of this section.

(G) Notwithstanding any provision of this section or section 5111.24 of the Revised Code, the director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code that provide for a calculation of a combined maximum payment limit for indirect care costs and cost of ownership for intermediate care facilities for the mentally retarded with eight or fewer beds.

(H) After June 30, 1980, the owner of an intermediate care facility for the mentally retarded operating under a provider agreement shall provide written notice to the department of job and family services at least forty-five days prior to entering into any contract of sale for the facility or voluntarily terminating participation in the medical assistance program. After the date on which a transaction of sale is closed, the owner shall refund to the department the amount of excess depreciation paid to the facility by the

department for each year the owner has operated the facility under a provider agreement and prorated according to the number of medicaid patient days for which the facility has received payment. If an intermediate care facility for the mentally retarded is sold after five or fewer years of operation under a provider agreement, the refund to the department shall be equal to the excess depreciation paid to the facility. If an intermediate care facility for the mentally retarded is sold after more than five years but less than ten years of operation under a provider agreement, the refund to the department shall equal the excess depreciation paid to the facility multiplied by twenty per cent, multiplied by the number of years less than ten that a facility was operated under a provider agreement. If an intermediate care facility for the mentally retarded is sold after ten or more years of operation under a provider agreement, the owner shall not refund any excess depreciation to the department. For the purposes of this division, "depreciation paid to the facility" means the amount paid to the intermediate care facility for the mentally retarded for cost of ownership pursuant to this section less any amount paid for interest costs. For the purposes of this division, "excess depreciation" is the intermediate care facility for the mentally retarded's depreciated basis, which is the owner's cost less accumulated depreciation, subtracted from the purchase price but not exceeding the amount of depreciation paid to the facility.

A cost report shall be filed with the department within ninety days after the date on which the transaction of sale is closed or participation is voluntarily terminated for an intermediate care facility for the mentally retarded subject to this division. The report shall show the accumulated depreciation, the sales price, and other information required by the department. The department shall provide for a bank, trust company, or savings and loan association to hold in escrow the amount of the last two monthly payments to an intermediate care facility for the mentally retarded made pursuant to division (A)(1) of section 5111.22 of the Revised Code before a sale or voluntary termination of participation shall be held in escrow by a bank, trust company, or savings and loan association, except that if or, if the owner fails, within the time required by this division, to notify the department before entering into a contract of sale for the facility, the amount of the first two monthly payments made to the facility after the department learns of the contract, regardless of whether a new owner is in possession of the facility. If the amount the owner will be required to refund under this section is likely to be less than the amount of the last two monthly payments otherwise put into escrow under this division, the department shall take one of the following actions instead of withholding the amount of the

~~last~~ two monthly payments:

(1) In the case of an owner that owns other facilities that participate in the medical assistance program, obtain a promissory note in an amount sufficient to cover the amount likely to be refunded;

(2) In the case of all other owners, withhold the amount of the last monthly payment to the intermediate care facility for the mentally retarded or, if the owner fails, within the time required by this division, to notify the department before entering into a contract of sale for the facility, the amount of the first monthly payment made to the facility after the department learns of the contract, regardless of whether a new owner is in possession of the facility.

The department shall, within ninety days following the filing of the cost report, audit the report and issue an audit report to the owner. The department also may audit any other cost reports for the facility that have been filed during the previous three years. In the audit report, the department shall state its findings and the amount of any money owed to the department by the 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 hospital insurance trust fund for the cost reporting period. No facility's return on net equity paid under this division shall exceed one dollar per patient day.

In calculating the rate for return on net equity, the department shall use the greater of the facility's inpatient days during the applicable cost reporting period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-five per cent.

(J)(1) Except as provided in division (J)(2) of this section, if a provider leases or transfers an interest in a facility to another provider who is a related party, the related party's allowable cost of ownership shall include the lesser of the following:

(a) The annual lease expense or actual cost of ownership, whichever is applicable;

(b) The reasonable cost to the lessor or provider making the transfer.

(2) If a provider leases or transfers an interest in a facility to another provider who is a related party, regardless of the date of the lease or transfer, the related party's allowable cost of ownership shall include the annual lease expense or actual cost of ownership, whichever is applicable, subject to the limitations specified in divisions (B) to (I) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) In the case of a lease, if the lessor retains any ownership interest, it is, except as provided in division (J)(2)(d)(ii) of this section, in only the real property and any improvements on the real property;

(c) In the case of a transfer, the provider making the transfer retains, except as provided in division (J)(2)(d)(iv) of this section, no ownership interest in the facility;

(d) The department of job and family services determines that the lease or transfer is an arm's length transaction pursuant to rules the department shall adopt in accordance with Chapter 119. of the Revised Code no later than December 31, 2000. The rules shall provide that a lease or transfer is an arm's length transaction if all of the following, as applicable, apply:

(i) In the case of a lease, once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (J)(2)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.

(ii) In the case of a lease, the lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a

default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) In the case of a transfer, once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.

(iv) In the case of a transfer, the provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates for capital costs.

(v) The lease or transfer satisfies any other criteria specified in the rules.

(e) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor or provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, allowable cost of ownership was determined most recently under this division.

Sec. 5111.262. ~~Costs~~ For costs incurred during calendar year 2000 and thereafter, costs reported in nursing facilities' cost reports for purchased nursing services shall be allowable direct care costs up to ~~the following amounts:~~

~~(A) For costs incurred during calendar year 1992, twenty per cent of the nursing facility's direct care costs specified in the cost report for services provided that year by registered nurses, licensed practical nurses, and nurse aides who are employees of the facility, plus one half of the amount by which the reported costs for purchased nursing services exceed that percentage;~~

~~(B) For costs incurred during calendar year 1993, fifteen per cent of the nursing facility's costs specified in the cost report for services provided that year by registered nurses, licensed practical nurses, and nurse aides who are employees of the facility, plus one half of the amount by which the reported costs for purchased nursing services exceed that percentage;~~

~~(C) For costs incurred during calendar year 1994 and each calendar year thereafter, ten~~ twenty per cent of the nursing facility's costs specified in the cost report for services provided that year by registered nurses, licensed practical nurses, and nurse aides who are employees of the facility, plus one-half of the amount by which the reported costs for purchased nursing

services exceed that percentage.

Sec. 5111.28. (A) If a provider properly amends its cost report under section 5111.27 of the Revised Code and the amended report shows that the provider received a lower rate under the original cost report than it was entitled to receive, the department shall adjust the provider's rate prospectively to reflect the corrected information. The department shall pay the adjusted rate beginning two months after the first day of the month after the provider files the amended cost report. If the department finds, from an exception review of resident assessment information conducted after the effective date of the rate for direct care costs that is based on the assessment information, that inaccurate assessment information resulted in the provider receiving a lower rate than it was entitled to receive, the department prospectively shall adjust the provider's rate accordingly and shall make payments using the adjusted rate for the remainder of the calendar quarter for which the assessment information is used to determine the rate, beginning one month after the first day of the month after the exception review is completed.

(B) If the provider properly amends its cost report under section 5111.27 of the Revised Code, the department makes a finding based on an audit under that section, or the department makes a finding based on an exception review of resident assessment information conducted under that section after the effective date of the rate for direct care costs that is based on the assessment information, any of which results in a determination that the provider has received a higher rate than it was entitled to receive, the department shall recalculate the provider's rate using the revised information. The department 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.~~

(C) The department also may impose the following penalties:

(1) If a provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, no more than the greater of one thousand dollars per audit or twenty-five per cent of the cumulative amount by which the costs for which documentation was not furnished increased the total medicaid payments to the provider during the fiscal year for which the costs were used to establish a rate;

(2) If an owner fails to provide notice of sale of the facility or voluntary termination of participation in the medical assistance program, as required by section 5111.25 or 5111.251 of the Revised Code, no more than ~~two~~ the current average bank prime rate plus four per cent of the last two monthly payments.

(D) If the provider continues to participate in the medical assistance program, the department shall deduct any amount that the provider is required to refund under this section, and the amount of any interest charged or penalty imposed under this section, from the next available payment from the department to the provider. The department and the provider may enter into an agreement under which the amount, together with interest, is deducted in installments from payments from the department to the provider.

(E) The department shall transmit refunds and penalties to the treasurer of state for deposit in the general revenue fund.

(F) For the purpose of this section, the department shall determine the average bank prime rate using statistical release H.15, "selected interest rates," a weekly publication of the federal reserve board, or any successor publication. If statistical release H.15, or its successor, ceases to contain the bank prime rate information or ceases to be published, the department shall request a written statement of the average bank prime rate from the federal reserve bank of Cleveland or the federal reserve board.

Sec. 5111.29. (A) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a process under which a nursing facility or intermediate care facility for the mentally retarded, or a group or association of facilities, may seek reconsideration of rates established under sections 5111.23 to 5111.28 of the Revised Code, including a rate for direct care costs recalculated before the effective date of the rate as a result of an exception review of resident assessment information conducted under section 5111.27 of the Revised Code.

(1) Except as provided in divisions (A)(2) to (4) of this section, the only issue that a facility, group, or association may raise in the rate reconsideration shall be whether the rate was calculated in accordance with sections 5111.23 to 5111.28 of the Revised Code and the rules adopted under those sections. The rules shall permit a facility, group, or association to submit written arguments or other materials that support its position. The rules shall specify time frames within which the facility, group, or association and the department must act. If the department determines, as a result of the rate reconsideration, that the rate established for one or more facilities is less than the rate to which it is entitled, the department shall increase the rate. If the department has paid the incorrect rate for a period of time, the department shall pay the facility the difference between the amount it was paid for that period and the amount it should have been paid.

(2) The rules shall provide that during a fiscal year, the department, by means of the rate reconsideration process, may increase a facility's rate as calculated under sections 5111.23 to 5111.28 of the Revised Code if the facility demonstrates that its actual, allowable costs have increased because of extreme circumstances. A facility may qualify for a rate increase only if its per diem, actual, allowable costs have increased to a level that exceeds its total rate, including any efficiency incentive and return on equity payment. The rules shall specify the circumstances that would justify a rate increase under division (A)(2) of this section. The In the case of nursing facilities, the rules shall provide that the extreme circumstances include increased security costs for an inner-city nursing facility and 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 loan that were used to calculate the rates paid to the facility during the same calendar year.

(5) The department's decision at the conclusion of the reconsideration

process shall not be subject to any administrative proceedings under Chapter 119. or any other provision of the Revised Code.

(B) Any audit disallowance that the department makes as the result of an audit under section 5111.27 of the Revised Code, any adverse finding that results from an exception review of resident assessment information conducted under that section after the effective date of the facility's rate that is based on the assessment information, and any penalty the department imposes under division (C) of section 5111.28 of the Revised Code shall be subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code.

Sec. 5111.34. (A) There is hereby created the nursing facility reimbursement study council consisting of the following fifteen members:

(1) The director of job and family services;

(2) The deputy director of the office of Ohio health plans of the department of job and family services;

(3) An employee of the governor's office;

(4) The director of health;

(5) The director of aging;

(6) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(7) Two members of the senate, appointed by the president of the senate;

(8) Two representatives of each of the following organizations, appointed by their respective governing bodies:

(a) The Ohio academy of nursing homes;

(b) The association of Ohio philanthropic homes and housing for the aging;

(c) The Ohio health care association.

Initial appointments of members described in divisions (A)(6), (7), and (8) of this section shall be made no later than ninety days after the effective date of this section. Vacancies in any of those appointments shall be filled in the same manner as original appointments. The members described in divisions (A)(6), (7), and (8) of this section shall serve at the pleasure of the official or governing body appointing the member. The members described in divisions (A)(1), (2), (3), (4), and (5) of this section shall serve for as long as they hold the position that qualifies them for membership on the council. The speaker of the house of representatives and the president of the senate jointly shall appoint the chairperson of the council. Members of the council shall serve without compensation.

(B) The council shall review, on an ongoing basis, the system

established by sections 5111.20 to 5111.32 of the Revised Code for reimbursing nursing facilities under the medical assistance program. The council shall recommend any changes it determines are necessary. The council periodically shall report its activities, findings, and recommendations to the governor, the speaker of the house of representatives, and the president of the senate.

Sec. 5111.63. For the purposes of this section, "facility," "medicare," and "medicaid" have the same meanings as in section 3721.10 of the Revised Code.

The department of health shall be the designee of the department of job and family services for the purpose of conducting a hearing pursuant to section 3721.162 of the Revised Code concerning a facility's decision to transfer or discharge a resident if the resident is a medicaid recipient or medicare beneficiary.

Sec. 5111.85. (A) As used in this section, "medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1315 or 1396n. "Medicaid waiver component" does not include a managed care system established under section 5111.17 of the Revised Code.

(B) The director of job and family services may adopt rules under Chapter 119. of the Revised Code governing medicaid waiver components that establish all of the following:

- (1) Eligibility requirements for the medicaid waiver components;
- (2) The type, amount, duration, and scope of services the medicaid waiver components provide;
- (3) The conditions under which the medicaid waiver components cover services;
- (4) The amount the medicaid waiver components pay for services or the method by which the amount is determined;
- (5) The manner in which the medicaid waiver components pay for services;
- (6) Safeguards for the health and welfare of medicaid recipients receiving services under a medicaid waiver component;
- (7) Procedures for enforcing the rules, including establishing corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules. Sanctions shall include terminating medicaid provider agreements. The procedures shall include due process protections.
- (8) Other policies necessary for the efficient administration of the

medicaid waiver components.

(C) The director of job and family services may adopt different rules for the different medicaid waiver components. The rules shall be consistent with the terms of the waiver authorizing the medicaid waiver component.

(D) The director of job and family services may conduct reviews of the medicaid waiver components. The reviews may include physical inspections of records and sites where services are provided under the medicaid waiver components and interviews of providers and recipients of the services. If the director determines pursuant to a review that a person or government entity has violated a rule governing a medicaid waiver component, the director may establish a corrective action plan for the violator and impose fiscal, administrative, or both types of sanctions on the violator in accordance with rules adopted under division (B) of this section.

Sec. 5111.86. The department of job and family services may enter into interagency agreements with one or more other state agencies to have the state agency administer one or more components of the medicaid program, or one or more aspects of a component, under the department's supervision. A state agency that enters into such an interagency agreement shall comply with any rules the director of job and family services has adopted governing the component, or aspect of the component, that the state agency is to administer, including any rules establishing review, audit, and corrective action plan requirements.

A state agency that enters into an interagency agreement with the department under this section shall reimburse the department for the nonfederal share of the cost to the department of performing, or contracting for the performance of, a fiscal audit of the component of the medicaid program, or aspect of the component, that the state agency administers if rules governing the component, or aspect of the component, require that a fiscal audit be conducted.

There is hereby created in the state treasury the medicaid administrative reimbursement fund. The department shall use money in the fund to pay for the nonfederal share of the cost of a fiscal audit for which a state agency is required by this section to reimburse the department. The department shall deposit the reimbursements into the fund.

Sec. 5111.87. As used in this section and section 5111.871 of the Revised Code, "intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.

The director of job and family services may apply to the United States secretary of health and human services for one or more medicaid waivers under which home and community-based services are provided to

individuals with mental retardation or other developmental disability as an alternative to placement in an intermediate care facility for the mentally retarded. Before the director applies for a waiver under this section, the director shall seek, accept, and consider public comments.

Sec. ~~5111.87~~ 5111.871. The department of job and family services shall enter into an interagency agreement with the department of mental retardation and developmental disabilities under section 5111.86 of the Revised Code with regard to the component of the medicaid program established by the department of job and family services under ~~a waiver~~ one or more waivers from the United States secretary of health and human services pursuant to section 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396n, as amended, to provide eligible ~~medical assistance~~ medicaid recipients with home ~~or~~ and community-based services as an alternative to placement in an intermediate care facility for the mentally retarded ~~as defined in section 5111.20 of the Revised Code~~. The agreement shall provide for the department of mental retardation and developmental disabilities to administer the ~~program~~ component in accordance with the terms of the waiver. ~~The departments~~ directors of job and family services and mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing the ~~program~~ component.

If the department of mental retardation and developmental disabilities or the department of job and family services denies an individual's application for home and community-based services provided under this medicaid component, the department that denied the services shall give timely notice to the individual that the individual may request a hearing under section 5101.35 of the Revised Code.

The departments of mental retardation and developmental disabilities and job and family services may approve, reduce, deny, or terminate a service included in the individualized service plan developed for a medicaid recipient eligible for home and community-based services provided under this medicaid component. The departments shall consider the recommendations a county board of mental retardation and developmental disabilities makes under division (A)(1)(c) of section 5126.055 of the Revised Code. If either department approves, reduces, denies, or terminates a service, that department shall give timely notice to the medicaid recipient that the recipient may request a hearing under section 5101.35 of the Revised Code.

If supported living or residential services, as defined in section 5126.01 of the Revised Code, are to be provided under this component, any person or

government entity with a current, valid medicaid provider agreement and a current, valid license under section 5123.19 or certificate under section 5123.045 or 5126.431 of the Revised Code may provide the services.

Sec. 5111.872. When the department of mental retardation and developmental disabilities allocates enrollment numbers to a county board of mental retardation and developmental disabilities for home and community-based services provided under the component of the medicaid program that the department administers under section 5111.871 of the Revised Code, the department shall consider all of the following:

(A) The number of individuals with mental retardation or other developmental disability who are on a waiting list the county board establishes under division (C) of section 5126.042 of the Revised Code for those services and are given priority on the waiting list pursuant to division (D) of that section;

(B) The implementation component required by division (A)(3) of section 5126.054 of the Revised Code of the county board's plan approved under section 5123.046 of the Revised Code;

(C) Anything else the department considers necessary to enable county boards to provide those services to individuals in accordance with the priority requirements of division (D) of section 5126.042 of the Revised Code.

Sec. 5111.873. (A) Not later than the effective date of the first of any medicaid waivers the United States secretary of health and human services grants pursuant to a request made under section 5111.87 of the Revised Code, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code establishing statewide fee schedules for home and community-based services provided under the component of the medicaid program that the department of mental retardation and developmental disabilities administers under section 5111.871 of the Revised Code. The rules shall provide for all of the following:

(1) The department of mental retardation and developmental disabilities arranging for the initial and ongoing collection of cost information from a comprehensive, statistically valid sample of persons and government entities providing the services at the time the information is obtained;

(2) The collection of consumer-specific information through an assessment instrument the department of mental retardation and developmental disabilities shall provide to the department of job and family services;

(3) With the information collected pursuant to divisions (A)(1) and (2) of this section, an analysis of that information, and other information the

director determines relevant, methods and standards for calculating the fee schedules that do all of the following:

(a) Assure that the fees are consistent with efficiency, economy, and quality of care;

(b) Consider the intensity of consumer resource need;

(c) Recognize variations in different geographic areas regarding the resources necessary to assure the health and welfare of consumers;

(d) Recognize variations in environmental supports available to consumers.

(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.

(C) The directors of job and family services and mental retardation and developmental disabilities shall review the rules adopted under this section at times they determine to ensure that the methods and standards established by the rules for calculating the fee schedules continue to do everything that division (A)(3) of this section requires.

Sec. 5119.01. The director of mental health is the chief executive and administrative officer of the department of mental health. The director may establish procedures for the governance of the department, conduct of its employees and officers, performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section 5119.07 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and residential facilities, research, community mental health plans, and delivery of mental health services.

The director shall:

(A) Adopt rules for the proper execution of the powers and duties of the department with respect to the institutions under its control, and require the performance of additional duties by 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 a hospital operated under section 5119.02 of the Revised Code;

(F) Exercise the powers and perform the duties relating to community mental health facilities and services that are assigned to the director under this chapter and Chapter 340. of the Revised Code;

~~(G) Adopt rules under Chapter 119. of the Revised Code for the establishment of minimum standards, including standards for use of seclusion and restraint, of mental health services that are not inconsistent with nationally recognized applicable standards and that facilitate participation in federal assistance programs;~~

~~(H)~~ Develop and implement clinical evaluation and monitoring of services that are operated by the department;

~~(H)~~ At the director's discretion, adopt rules establishing standards for the adequacy of services provided by community mental health facilities, and certify the compliance of such facilities with the standards for the purpose of authorizing their participation in the health care plans of health insuring corporations under Chapter 1751. and sickness and accident insurance policies issued under Chapter 3923. of the Revised Code; The

director shall cease to certify such compliance two years after the effective date of this amendment. The director shall rescind the rules after the date the director ceases to certify such compliance.

~~(J)~~(I) Adopt rules establishing standards for the performance of evaluations by a forensic center or other psychiatric program or facility of the mental condition of defendants ordered by the court under section 2919.271, or 2945.371 of the Revised Code, and for the treatment of defendants who have been found incompetent to stand trial and ordered by the court under section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised Code to receive treatment in facilities;

~~(K)~~(J) On behalf of the department, have the authority and responsibility for entering into contracts and other agreements;

~~(L)~~(K) Prepare and publish regularly a state mental health plan that describes the department's philosophy, current activities, and long-term and short-term goals and activities;

~~(M)~~(L) Adopt rules in accordance with Chapter 119. of the Revised Code specifying the supplemental services that may be provided through a trust authorized by section 1339.51 of the Revised Code;

~~(N)~~(M) Adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for the maintenance and distribution to a beneficiary of assets of a trust authorized by section 1339.51 of the Revised Code;

~~(O) As used in division (I) of this section:~~

~~(1) "Community mental health facility" means a facility that provides community mental health services and is included in the community mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.~~

~~(2) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.~~

Sec. 5119.06. (A) The department of mental health shall:

(1) Establish and support a program at the state level to promote a community support system in accordance with section 340.03 of the Revised Code to be available for every alcohol, drug addiction, and mental health service district. The department shall define the essential elements of a community support system, shall assist in identifying resources and coordinating the planning, evaluation, and delivery of services to facilitate the access of mentally ill people to public services at federal, state, and local levels, and shall operate inpatient and other mental health services pursuant to the approved community mental health plan.

(2) Provide training, consultation, and technical assistance regarding

mental health programs and services and appropriate prevention and mental health promotion activities, including those that are culturally sensitive, to employees of the department, community mental health agencies and boards, and other agencies providing mental health services;

(3) Promote and support a full range of mental health services that are available and accessible to all residents of this state, especially for severely mentally disabled children, adolescents, and adults, and other special target populations, including racial and ethnic minorities, as determined by the department.

(4) Design and set criteria for the determination of severe mental disability;

(5) Establish ~~criteria~~ standards for evaluation of mental health programs;

(6) Promote, direct, conduct, and coordinate scientific research, taking ethnic and racial differences into consideration concerning the causes and prevention of mental illness, methods of providing effective services and treatment, and means of enhancing the mental health of all residents of this state;

(7) Foster the establishment and availability of vocational rehabilitation services and the creation of employment opportunities for consumers of mental health services, including members of racial and ethnic minorities;

(8) Establish a program to protect and promote the rights of persons receiving mental health services, including the issuance of guidelines on informed consent and other rights;

(9) Establish, in consultation with board of alcohol, drug addiction, and mental health services representatives and after consideration of the recommendations of the medical director, guidelines for the development of community mental health plans and the review and approval or disapproval of such plans submitted pursuant to section 340.03 of the Revised Code;

(10) Promote the involvement of persons who are receiving or have received mental health services, including families and other persons having a close relationship to a person receiving mental health services, in the planning, evaluation, delivery, and operation of mental health services.

(11) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of mental health. These constituencies shall include consumers of mental health services and their families, and may include public and private providers, employee organizations, and others when appropriate. Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation required by this division shall occur prior to the commencement of

proceedings under Chapter 119. The department shall adopt rules under Chapter 119. of the Revised Code that establish procedures for the notification and consultation required by this division.

(12) In cooperation with board of alcohol, drug addiction, and mental health services representatives, provide training regarding the provision of community-based mental health services to those department employees who are utilized in state-operated, community-based mental health services;

(13) Provide ~~oversight and~~ consultation to the department of rehabilitation and correction ~~for~~ concerning the delivery of mental health services in state correctional institutions;

~~(14) Audit mental health programs in state correctional institutions operated by the department of rehabilitation and correction for compliance with standards that have been jointly developed and promulgated by the department of mental health and the department of rehabilitation and correction. The standards shall include monitoring mechanisms to provide for quality of services in these programs.~~

(B) The department of mental health may negotiate and enter into agreements with other agencies and institutions, both public and private, for the joint performance of its duties.

Sec. 5119.22. (A)(1) As used in this section:

(a) ~~Mental~~ "Community mental health agency" means a community mental health agency as defined in division (H) of section 5122.01 of the Revised Code, or, until two years after the effective date of this amendment, a community mental health facility certified by the department of mental health pursuant to division ~~(H)~~(H) of section 5119.01 of the Revised Code.

(b) ~~Mental~~ "Community mental health services" means any of the services listed in section 340.09 of the Revised Code.

(c) "Personal care services" means services including, but not limited to, the following:

(i) Assisting residents with activities of daily living;

(ii) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"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.

(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.

(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:

(a) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(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.

(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 place the container to the mouth of the resident.

(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.

(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.

(D) The department may issue an interim license to operate a residential facility if both of the following conditions are met:

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director

under Chapter 119. of the Revised Code.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

(E) The department of mental health may conduct an inspection of a residential facility:

(1) Prior to the issuance of a license to a prospective operator;

(2) Prior to the renewal of any operator's license;

(3) To determine whether a facility has completed a plan of correction required pursuant to this division and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(4) Upon complaint by any individual or agency;

(5) At any time the director considers an inspection to be necessary in order to determine whether a residential facility is in compliance with this section and rules adopted pursuant to this section.

In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility, its personnel, activities, and services. The department shall have access to examine all records, accounts, and any other documents relating to the operation of the residential facility, and shall have access to the facility in order to conduct interviews with 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.

(I) The department may withhold the source of any complaint reported as a violation of this act when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.

(J) The director of mental health may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a real and present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a real and present danger to the health or safety of any residents of the facility.

(K) Whoever violates division (F) of this section or any rule adopted under this section is liable for a civil penalty of one hundred dollars for the first offense; for each subsequent offense, such violator is liable for a civil penalty of five hundred dollars. If the violator does not pay, the attorney general, upon the request of the director of mental health, shall bring a civil action to collect the penalty. Fines collected pursuant to this section shall be deposited into the state treasury to the credit of the mental health sale of goods and services fund.

Sec. 5119.61. Any provision in this chapter that refers to a board of alcohol, drug addiction, and mental health services also refers to the community mental health board in an alcohol, drug addiction, and mental health service district that has a community mental health board.

The director of mental health with respect to all facilities and programs established and operated under Chapter 340. of the Revised Code for mentally ill and emotionally disturbed persons, shall do all of the following:

(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of Chapter 340. and sections 5119.61 to 5119.63 of the Revised Code.

(1) The rules shall include all of the following:

(a) Rules governing a community mental health agency's services under section 340.091 of the Revised Code to an individual referred to the agency under division (C)(2) of section 173.35 of the Revised Code;

(b) For the purpose of division (A)(~~14~~)(16) of section 340.03 of the Revised Code, rules governing the duties of mental health agencies and boards of alcohol, drug addiction, and mental health services under section 3722.18 of the Revised Code regarding referrals of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The rules shall do at least the following:

(i) Provide for agencies and boards to participate fully in the procedures owners and managers of adult care facilities must follow under division (A)(2) of section 3722.18 of the Revised Code;

(ii) Specify the manner in which boards are accountable for ensuring that ongoing mental health services are effectively arranged for individuals with mental illness or severe mental disability who are referred by the board or mental health agency under contract with the board to an adult care facility.

(c) Rules governing a board of alcohol, drug addiction, and mental health services when making a report to the director of health under section 3722.17 of the Revised Code regarding the quality of care and services provided by an adult care facility to a person with mental illness or a severe mental disability.

(2) Rules may be adopted to govern the method of paying a community mental health facility described in division (B) of section 5111.022 of the Revised Code for providing services established by division (A) of that section. Such rules must be consistent with the contract entered into between the departments of human job and family services and mental health under division (E) of that section and include requirements ensuring appropriate service utilization.

~~(B) Adopt rules requiring each public or private agency providing mental health services or facilities under a contract with a board of alcohol, drug addiction, and mental health services and any program operated by such a board to have a written policy that addresses the rights of clients including all of the following:~~

~~(1) The right to a copy of the agency's policy of client rights;~~

~~(2) The right at all times to be treated with consideration and respect for the client's privacy and dignity;~~

~~(3) 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;~~

~~(4) The right to have a client rights officer provided by the board or agency 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 board or agency.~~

~~(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;~~

~~(D) Define minimum standards for qualifications of personnel, professional services, and mental health professionals as defined in section 340.02 of the Revised Code;~~

~~(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;~~

~~(F)(C) Withhold state and federal funds for any program, in whole or in part, from a board of alcohol, drug addiction, and mental health services in the event of failure of that program to comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, or 5119.62 of the Revised Code or rules of the department of mental health. The director shall identify the areas of noncompliance and the action necessary to achieve compliance. The director shall offer technical assistance to the board to achieve compliance. The director shall give the board a reasonable time within which to comply or to present its position that it is in compliance. Before withholding funds, a hearing shall be conducted to determine if there are continuing violations and that either assistance is rejected or the board is unable to achieve compliance. Subsequent to the hearing process, if it is determined that compliance has not been achieved, the director may allocate all or part of the withheld funds to a public or private agency to provide the services not in compliance until the time that there is compliance. The director shall establish rules pursuant to Chapter 119. of the Revised Code to implement this division.~~

~~(G)~~(D) Withhold state or federal funds from a board of alcohol, drug addiction, and mental health services that denies available service on the basis of religion, race, color, creed, sex, national origin, age, disability as defined in section 4112.01 of the Revised Code, developmental disability, or the inability to pay;

~~(H)~~(E) Provide consultative services to community mental health ~~programs~~ agencies with the knowledge and cooperation of the board of alcohol, drug addiction, and mental health services;

~~(I)~~(F) Provide to boards of alcohol, drug addiction, and mental health services state or federal funds, in addition to those allocated under section 5119.62 of the Revised Code, for special programs or projects the director considers necessary but for which local funds are not available;

~~(J)~~(G) Establish criteria by which a board of alcohol, drug addiction, and mental health services reviews and evaluates the quality, effectiveness, and efficiency of services provided through its community mental health plan. The criteria shall include requirements ensuring appropriate service utilization. The department shall assess a board's evaluation of services and the compliance of each board with this section, Chapter 340. or section 5119.62 of the Revised Code, and other state or federal law and regulations. The department, in cooperation with the board, periodically shall review and evaluate the quality, effectiveness, and efficiency of services provided through each board. The department shall collect information that is necessary to perform these functions.

~~(K)~~(H) Develop and operate a community mental health information system.

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:

(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;

(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.

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.

~~(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 the recommendations of the medical director, the director shall issue criteria for determining when a plan is complete, criteria for plan approval or disapproval, and provisions for conditional approval. The factors that the director considers may include, but are not limited to, the following:

(1) The mental health needs of all persons residing within the board's service district, especially severely mentally disabled children, adolescents, and adults;

(2) The demonstrated quality, effectiveness, efficiency, and cultural relevance of the services provided in each service district, the extent to which any services are duplicative of other available services, and whether the services meet the needs identified above;

(3) The adequacy of the board's accounting for the expenditure of funds.

If the director disapproves all or part of any plan, the director shall provide the board an opportunity to present its position. The director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the plan may be approved. The director shall give the board a reasonable time within which to meet the criteria, and shall offer technical assistance to the board to help it meet the criteria.

If the approval of a plan remains in dispute thirty days prior to the conclusion of the fiscal year in which the board's current plan is scheduled to expire, the board or the director may request that the dispute be submitted to a mutually agreed upon third-party mediator with the cost to be shared by the board and the department. The mediator shall issue to the board and the department recommendations for resolution of the dispute. Prior to the conclusion of the fiscal year in which the current plan is scheduled to expire, the director, taking into consideration the recommendations of the mediator, shall make a final determination and approve or disapprove the plan, in whole or in part.

~~(M) Visit and evaluate any community mental health program, agency, or facility, in cooperation with a board of alcohol, drug addiction, and mental health services, to determine if the services meet minimum standards pursuant to division (G) of section 5119.01 of the Revised Code. If the director determines that the services meet minimum standards, the director shall so certify.~~

~~If the director determines that the services of any program, agency, or facility that has a contract with a board do not meet minimum standards, the director shall identify the areas of noncompliance, specify what action is necessary to meet the standards, and offer technical assistance to the board so that it may assist the program, agency, or facility to meet minimum standards. The director shall give the board a reasonable time within which to demonstrate that the services meet minimum standards or to bring the program or facility into compliance with the standards. If the director concludes that the services continue to fail to meet minimum standards, the director may request that the board reallocate the funds for those services to another program, agency, or facility which meets minimum standards. If the board does not reallocate those funds in a reasonable period of time, the director may withhold state and federal funds for the services and allocate those funds directly to a public or private agency that meets minimum standards.~~

~~Each program, agency, and facility shall pay a fee for the certification review required by this division. Fees shall be paid into the sale of goods and services fund created pursuant to section 5119.161 of the Revised Code.~~

~~The director shall adopt rules under Chapter 119. of the Revised Code to implement this division. The rules shall do all of the following:~~

- ~~(1) Establish the process for certification of services of programs, agencies, or facilities;~~
- ~~(2) Set the amount of certification review fees based on a portion of the cost of performing the review;~~
- ~~(3) Specify the type of notice and hearing to be provided prior to a decision whether to reallocate funds.~~

Sec. 5119.611. (A) A board of alcohol, drug addiction, and mental health services may not contract with a community mental health agency under division (A)(8)(a) of section 340.03 of the Revised Code to provide community mental health services included in the board's community mental health plan unless the services are certified by the director of mental health under this section.

A community mental health agency that seeks the director's certification of its community mental health services shall submit an application to the

director. On receipt of the application, the director may visit and shall evaluate the agency to determine 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.

If the director determines that a community mental health agency's services satisfy the standards, the director shall certify the services.

If the director determines that a community mental health agency's services do not satisfy the standards, the director shall identify the areas of noncompliance, specify what action is necessary to satisfy the standards, and offer technical assistance to the board of alcohol, drug addiction, and mental health services so that the board may assist the agency in satisfying the standards. The director shall give the agency a reasonable time within which to demonstrate that its services satisfy the standards or to bring the services into compliance with the standards. If the director concludes that the services continue to fail to satisfy the standards, the director may request that the board reallocate the funds for the community mental health services the agency was to provide to another community mental health agency whose community mental health services satisfy the standards. If the board does not reallocate those funds in a reasonable period of time, the director may withhold state and federal funds for the community mental health services and allocate those funds directly to a community mental health agency whose community mental health services satisfy the standards.

(B) Each community mental health agency seeking certification of its community mental health services under this section shall pay a fee for the certification review required by this section. Fees shall be paid into the sale of goods and services fund created pursuant to section 5119.161 of the Revised Code.

(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall do all of the following:

(1) Establish certification standards for community mental health services that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of services or the health and safety of clients of community mental health services. The standards shall address at a minimum all of the following:

(a) Reporting major unusual incidents to the director;

th services to file grievances and complaints;

(c) Seclusion;

(d) Restraint;

(e) Development of written policies addressing the rights of clients, including all of the following:

(i) The right to a copy of the written policies addressing client rights;

(ii) The right at all times to be treated with consideration and respect for the client's privacy and dignity;

(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;

(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.

(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;

(3) Establish the process for certification of community mental health services;

(4) Set the amount of certification review fees based on a portion of the cost of performing the review;

(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.

Sec. 5119.612. The director of mental health shall require that each board of alcohol, drug addiction, and mental health services ensure that each community mental health agency with which it contracts under division (A)(8)(a) of section 340.03 of the Revised Code to provide community mental health services establish grievance procedures consistent with rules adopted under section 5119.611 of the Revised Code that are available to all applicants for and clients of the community mental health services.

Sec. 5122.31. All certificates, applications, records, and reports made for the purpose of this chapter and sections 2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised Code, other than court journal entries or court docket entries, and directly or indirectly identifying a patient or former patient or person whose hospitalization has been sought under this chapter, shall be kept confidential and shall not be disclosed by any person except:

(A) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents, and if

the disclosure is in the best interests of the person, as may be determined by the court for judicial records and by the chief clinical officer for medical records;

(B) When disclosure is provided for in this chapter or section 5123.60 of the Revised Code;

(C) That hospitals, boards of alcohol, drug addiction, and mental health services, and community mental health agencies may release necessary medical information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the patient;

(D) Pursuant to a court order signed by a judge;

(E) That a patient shall be granted access to the patient's own psychiatric and medical records, unless access specifically is restricted in a patient's treatment plan for clear treatment reasons;

(F) That hospitals and other institutions and facilities within the department of mental health may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, and with community mental health agencies and boards of alcohol, drug addiction, and mental health services with which the department has a current agreement for patient care or services. Records and information that may be released pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment in the hospital, summary of treatment needs, and a discharge summary, if any.

(G) That a patient's family member who is involved in the provision, planning, and monitoring of services to the patient may receive medication information, a summary of the patient's diagnosis and prognosis, and a list of the services and personnel available to assist the patient and the patient's family, if the patient's treating physician determines that the disclosure would be in the best interests of the patient. No such disclosure shall be made unless the patient is notified first and receives the information and does not object to the disclosure.

(H) That community mental health agencies may exchange psychiatric records and certain other information with the board of alcohol, drug addiction, and mental health services and other agencies in order to provide services to a person involuntarily committed to a board. Release of records under this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and discharge summary, if any.

(I) That information may be disclosed to the executor or the

administrator of an estate of a deceased patient when the information is necessary to administer the estate;

(J) That records in the possession of the Ohio historical society may be released to the closest living relative of a deceased patient upon request of that relative;

(K) That information may be disclosed to staff members of the appropriate board or to staff members designated by the director of mental health for the purpose of evaluating the quality, effectiveness, and efficiency of services and determining if the services meet minimum standards. Information obtained during such evaluations shall not be retained with the name of any patient.

(L) That records pertaining to the patient's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the patient was committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under this chapter.

(M) That the department of mental health may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction to ensure continuity of care for inmates who are receiving mental health services in an institution of the department of rehabilitation and correction. The department shall not disclose those records unless the inmate is notified, receives the information, and does not object to the disclosure. The release of records under this division is limited to records regarding an inmate's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

(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.

(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.

Sec. 5123.01. As used in this chapter:

(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.

(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.

(C) "Comprehensive evaluation" means a study, including a sequence of observations and examinations, of a person leading to conclusions and recommendations formulated jointly, with dissenting opinions if any, by a group of persons with special training and experience in the diagnosis and management of persons with mental retardation or a developmental disability, which group shall include individuals who are professionally qualified in the fields of medicine, psychology, and social work, together with such other specialists as the individual case may require.

(D) "Education" means the process of formal training and instruction to facilitate the intellectual and emotional development of residents.

(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the resident's physical, mental, social, and vocational efficiency. Habilitation includes but is not limited to programs of formal, structured education and training.

(F) "Habilitation center services" means services provided by a habilitation center certified by the department of mental retardation and developmental disabilities under section 5123.041 of the Revised Code and covered by the medicaid program pursuant to rules adopted under section 5111.041 of the Revised Code.

(G) "Health officer" means any public health physician, public health nurse, or other person authorized or designated by a city or general health district.

~~(G)~~(H) "Home and community-based services" means medicaid-funded home and community-based services provided under a medicaid component the department of mental retardation and developmental disabilities administers pursuant to section 5111.871 of the Revised Code.

(I) "Indigent person" means a person who is unable, without 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.

~~(H)~~(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.

~~(H)~~(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 of the following conditions exist:

(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those needs is not available in the community;

(2) The person needs and is susceptible to significant habilitation in an institution.

~~(M)~~(Q) "A person who is at least moderately mentally retarded" means a person who is found, following a comprehensive evaluation, to be impaired in adaptive behavior to a moderate degree and to be functioning at the moderate level of intellectual functioning in accordance with standard measurements as recorded in the most current revision of the manual of terminology and classification in mental retardation published by the American association on mental retardation.

~~(N)~~(R) As used in this division, "substantial functional limitation,"

"developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.

"Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code.

(2) It is manifested before age twenty-two.

(3) It is likely to continue indefinitely.

(4) It results in one of the following:

(a) In the case of a person under three years of age, at least one developmental delay or an established risk;

(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;

(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.

(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.

~~(S)~~ "Developmentally disabled person" means a person with a developmental disability.

~~(T)~~ "State institution" means an institution that is tax-supported and under the jurisdiction of the department.

~~(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 state as long as the spouse or minor children are receiving public assistance, care, or support at the expense of the other state

or its subdivisions. For the purpose of determining the legal settlement of a person who is living in a public or private institution or in a home subject to licensing by the department of job and family services, the department of mental health, or the department of mental retardation and developmental disabilities, the residence of the person shall be considered as though the person were residing in the county in which the person was living prior to the person's entrance into the institution or home. Settlement once acquired shall continue until a person has been continuously absent from Ohio for a period of one year or has acquired a legal residence in another state. A woman who marries a man with legal settlement in any county immediately acquires the settlement of her husband. The legal settlement of a minor is that of the parents, surviving parent, sole parent, parent who is designated the residential parent and legal custodian by a court, other adult having permanent custody awarded by a court, or guardian of the person of the minor, provided that:

(1) A minor female who marries shall be considered to have the legal settlement of her husband and, in the case of death of her husband or divorce, she shall not thereby lose her legal settlement obtained by the marriage.

(2) A minor male who marries, establishes a home, and who has resided in this state for 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 shall be considered to have obtained a legal settlement in this state.

(3) The legal settlement of a child under eighteen years of age who is in the care or custody of a public or private child caring agency shall not change if the legal settlement of the parent changes until after the child has been in the home of the parent for a period of one year.

No person, adult or minor, may establish a legal settlement in this state for the purpose of gaining admission to any state institution.

~~(R)~~(V)(1) "Resident" means, subject to division (R)(2) of this section, a person who is admitted either voluntarily or involuntarily to an institution or other facility pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter who is under observation or receiving habilitation and care in an institution.

(2) "Resident" does not include a person admitted to an institution or other facility under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to resident, or

the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

~~(S)~~(W) "Respondent" means the person whose detention, commitment, or continued commitment is being sought in any proceeding under this chapter.

~~(F)~~(X) "Working day" and "court day" mean Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a legal holiday.

~~(U)~~(Y) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

~~(V)~~(Z) "Court" means the probate division of the court of common pleas.

Sec. 5123.041. (A) As used in this section, "habilitation center" means a habilitation center certified under division (C) of this section for the provision of that provides habilitation center services under section 5111.041 of the Revised Code.

(B) The department of mental retardation and developmental disabilities shall do all of the following pursuant to an interagency agreement with the department of job and family services entered into under section 5111.86 of the Revised Code:

(1) Certify habilitation centers that meet the certification requirements established by rules adopted by the director of job and family services under section 5111.041 of the Revised Code;

(2) Accept and process medicaid reimbursement claims from habilitation centers providing habilitation center services to medicaid recipients under section 5111.041 of the Revised Code;

(3) With medicaid funds provided to the department from the department of job and family services, pay the medicaid reimbursement claims accepted and processed under division (B)(2) of this section;

(4) Perform the other duties included in the interagency agreement.

(C) The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) ~~Specify standards~~ Establish procedures for certification of habilitation centers;

(2) ~~Define habilitation services and programs, other than services provided by the department of education;~~

~~(3)~~ Establish the fee that may be assessed under division (D) of this section;

~~(4)(3)~~ Specify how the department of mental retardation and developmental disabilities will ~~implement and administer the habilitation services program~~ perform its duties under this section.

~~(C) The director shall certify habilitation centers that meet the standards specified by rules adopted under this section.~~

(D) The department of mental retardation and developmental disabilities may assess the fee established by rule under division ~~(B)(3)(C)(2)~~ of this section for ~~providing services related to the habilitation services program~~ performing its duties under this section. The fee may be retained from any funds payment the department receives for a ~~habilitation center under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended~~ makes under division (B)(3) of this section.

Sec. 5123.043. (A) The director of mental retardation and developmental disabilities shall adopt rules establishing procedures for administrative resolution of complaints filed under division (B) of this section and section 5126.06 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) Except as provided in division (C) of this section, any person who has a complaint involving any of the programs, services, policies, or administrative practices of the department of mental retardation and developmental disabilities or any of the entities under contract with the department, may file a complaint with the department. Prior to commencing a civil action regarding the complaint, a person shall attempt to have the complaint resolved through the administrative resolution process established 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.

(B) The department of mental retardation and developmental disabilities shall do all of the following in accordance with Chapter 119. of the Revised Code:

(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;

(2) Revoke a certificate when required to do so by rules adopted under division (C) of this section;

(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.

(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:

(1) Ensuring that providers comply with section 5126.28 or 5126.281 of the Revised Code, as appropriate;

(2) Evaluating the services provided to ensure that they are provided in a quality manner advantageous to the individual receiving the services. The procedures shall require that all of the following be considered as part of an evaluation:

(a) The provider's experience and financial responsibility;

(b) The provider's ability to comply with standards for the home and community-based services that the provider provides;

(c) The provider's ability to meet the needs of the individuals served;

(d) Any other factor the director considers relevant.

(3) Determining when to revoke a provider's certificate. The reasons for which a certificate may be revoked may include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious to individuals being served.

(D) The records of an evaluation conducted in accordance with rules adopted under division (C)(2) of this section are public records for purposes of section 149.43 of the Revised Code and shall be made available on request of any person, including individuals being served, individuals seeking home and community-based services, and county boards of mental retardation and developmental disabilities.

Sec. 5123.046. The department of mental retardation and developmental disabilities shall review each plan it receives from a county board of mental retardation and developmental disabilities under section 5126.054 of the Revised Code and, in consultation with the department of job and family services and office of budget and management, approve each plan that includes all the information and conditions specified in that section. A plan shall be approved or disapproved not later than forty-five days after the last of the plan's components are submitted to the department under division (B) of section 5126.054 of the Revised Code.

In approving plans under this section, the department shall ensure that the aggregate of all plans provide for the increased enrollment into home and community-based services during each state fiscal year of at least five hundred individuals who did not receive residential services, supported living, or home and community-based services the prior state fiscal year if the department has enough additional enrollment available for this purpose.

If a county board fails to submit all the components of the plan to the department within the time required by division (B) of section 5126.054 of the Revised Code or the department disapproves a county board's plan, the department may withhold all or part of any funds the department would otherwise allocate to the county board. The department may not withhold

any funds the department allocates to the county board prior to the date the last of the plan's components are due or the department disapproves the plan.

The department shall establish protocols that the department shall use to determine whether a county board is complying with the programmatic and financial accountability mechanisms and achieving outcomes specified in its approved plan. If the department determines that a county board is not in compliance with the mechanisms or achieving the outcomes specified in its approved plan, the department may take action under division (G) of section 5126.055 of the Revised Code.

Sec. 5123.047. (A) The department of mental retardation and developmental disabilities shall pay the nonfederal share of medicaid expenditures for habilitation center services provided to an individual with mental retardation or other developmental disability unless section 5111.041 of the Revised Code requires a county board of mental retardation and developmental disabilities or a school district to pay the nonfederal share.

(B) The department shall pay the nonfederal share of medicaid expenditures for medicaid case management services if either of the following apply:

(1) The services are provided to an individual with mental retardation or other developmental disability who a county board has determined under section 5126.041 of the Revised Code is not eligible for county board services;

(2) The services are provided to an individual with mental retardation or other developmental disability by a public or private agency with which the department has contracted under section 5123.56 of the Revised Code to provide protective services to the individual.

(C) The department shall pay the nonfederal share of medicaid expenditures for home and community-based services if either of the following apply:

(1) The services are provided to an individual with mental retardation or other developmental disability who a county board has determined under section 5126.041 of the Revised Code is not eligible for county board services;

(2) The services are provided to an individual with mental retardation or other developmental disability given priority for the services pursuant to division (D)(3) of section 5126.042 of the Revised Code. The department shall pay the nonfederal share of medicaid expenditures for home and community-based services provided to such an individual for as long as the individual continues to be eligible for and receive the services, regardless of

whether the services are provided after June 30, 2003.

Sec. 5123.048. (A) For state fiscal year 2002, the department of mental retardation and developmental disabilities shall assign to a county board of mental retardation and developmental disabilities the nonfederal share of medicaid expenditures for habilitation center services that a private habilitation center provides if all of the following apply:

(1) The individuals who receive the services also received the services from the center pursuant to a contract the center had with the department in state fiscal year 2001;

(2) The county board determined under section 5126.041 of the Revised Code that the individuals who receive the services are eligible for county board services;

(3) The county board contracts with the center to provide the services after the center's contract with the department ends.

(B) The department shall also make the assignment under division (A) of this section for each successive state fiscal year that the county board contracts with the private habilitation center to provide the habilitation center services to the individuals who received the services pursuant to the contract the department had with the center in state fiscal year 2001.

(C) The amount the department shall assign under divisions (A) and (B) of this section shall be adequate to ensure that the habilitation center services the individuals receive are comparable in scope to the habilitation center services they received when the private habilitation center was under contract with the department. The amount that the department assigns shall not be less than the amount the department paid the private habilitation center for the individuals under the contract the department had with the center in fiscal year 2001.

(D) A county board shall use the assignment it receives under divisions (A) and (B) of this section to pay the nonfederal share of the medicaid expenditures for the habilitation center services the county board is required by division (D) of section 5111.041 of the Revised Code to pay.

Sec. 5123.049. The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing the authorization and payment of home and community-based services, medicaid case management services, and habilitation center services. The rules shall provide for private providers of the services to receive one hundred per cent of the medicaid allowable payment amount and for government providers of the services to receive the federal share of the medicaid allowable payment, less the amount withheld as a fee under section 5123.0412 of the Revised Code and any amount that

may be required by rules adopted under section 5123.0413 of the Revised Code to be deposited into the state MR/DD risk fund. The rules shall establish the process by which county boards of mental retardation and developmental disabilities shall certify and provide the nonfederal share of medicaid expenditures that the county board is required by division (A) of section 5126.056 of the Revised Code to pay. The process shall require a county board to certify that the county board has funding available at one time for two months costs for those expenditures. The process may permit a county board to certify that the county board has funding available at one time for more than two months costs for those expenditures.

Sec. 5123.0410. An individual with mental retardation or other developmental disability who moves from one county in this state to another county in this state shall receive home and community-based services in the new county that are comparable in scope to the home and community-based services the individual receives in the prior county at the time the individual moves. If the county board serving the county to which the individual moves determines under section 5126.041 of the Revised Code that the individual is eligible for county board services, the county board shall ensure that the individual receives the comparable services. If the county board determines that the individual is not eligible for county board services, the department of mental retardation and developmental disabilities shall ensure that the individual receives the comparable services.

If the home and community-based services that the individual receives at the time the individual moves include supported living or residential services, the department shall reduce the amount the department allocates to the county board serving the county the individual left for those supported living or residential services by an amount that equals the payment the department authorizes or projects, or both, for those supported living or residential services from the last day the individual resides in the county to the last day of the state fiscal year in which the individual moves. The department shall increase the amount the department allocates to the county board serving the county the individual moves to by the same amount. The department shall make the reduction and increase effective the day the department determines the individual has residence in the new county. The department shall determine the amount that is to be reduced and increased in accordance with the department's rules for authorizing payments for home and community-based services established adopted under section 5123.049 of the Revised Code. The department shall annualize the reduction and increase for the subsequent state fiscal year as necessary.

Sec. 5123.0411. The department of mental retardation and

developmental disabilities may bring a mandamus action against a county board of mental retardation and developmental disabilities that fails to pay the nonfederal share of medicaid expenditures that the county board is required by division (A) of section 5126.056 of the Revised Code to pay. The department may bring the mandamus action in the court of common pleas of the county served by the county board or in the Franklin county court of common pleas.

Sec. 5123.0412. (A) The department of mental retardation and developmental disabilities shall charge each county board of mental retardation and developmental disabilities an annual fee equal to one per cent of the total value of all medicaid paid claims for medicaid case management services and home and community-based services for which the county board contracts or provides itself. No county board shall pass the cost of a fee charged to the county board under this section on to a person or government entity with which the county board contracts to provide the services.

(B) The fees collected under this section shall be deposited into the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund, both of which are hereby created in the state treasury. The portion of the fees to be deposited into the ODMR/DD administration and oversight fund and the portion of the fees to be deposited into the ODJFS administration and oversight fund shall be the portion specified in an interagency agreement entered into under division (C) of this section. The department of mental retardation and developmental disabilities shall use the money in the ODMR/DD administration and oversight fund and the department of job and family services shall use the money in the ODJFS administration and oversight fund for both of the following purposes:

(1) The administrative and oversight costs of habilitation center services, medicaid case management services, and home and community-based services that a county board develops and monitors and the county board or a person or government entity under contract with the county board provides. The administrative and oversight costs shall include costs for staff, systems, and other resources the departments need and dedicate solely to the following duties associated with the services:

- (a) Eligibility determinations;
- (b) Training;
- (c) Fiscal management;
- (d) Claims processing;
- (e) Quality assurance oversight;

(f) Other duties the departments identify.

(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services.

(C) The departments of mental retardation and developmental disabilities and job and family services shall enter into an interagency agreement to do both of the following:

(1) Specify which portion of the fees collected under this section is to be deposited into the ODMR/DD administration and oversight fund and which portion is to be deposited into the ODJFS administration and oversight fund;

(2) Provide for the departments to coordinate the staff whose costs are paid for with money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund.

(D) The departments shall submit an annual report to the director of budget and management certifying how the departments spent the money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund for the purposes specified in division (B) of this section.

Sec. 5123.0413. (A) The department of mental retardation and developmental disabilities, in consultation with the department of job and family services, office of budget and management, and county boards of mental retardation and developmental disabilities, shall adopt rules in accordance with Chapter 119. of the Revised Code no later than January 1, 2002, establishing a method of paying for extraordinary costs, including extraordinary costs for services to individuals with mental retardation or other developmental disability, and ensure the availability of adequate funds in the event a county property tax levy for services for individuals with mental retardation or other developmental disability fails. The rules may provide for using and managing one or more of the following:

(1) County MR/DD medicaid reserve funds established in accordance with section 5705.091 of the Revised Code;

(2) A state MR/DD risk fund, which is hereby created in the state treasury;

(3) A state insurance against MR/DD risk fund, which is hereby created in the state treasury.

(B) Beginning January 1, 2002, the department of job and family services may not request approval from the United States secretary of health and human services to increase the number of slots for home and community-based services until the rules required by division (A) of this section are in effect.

Sec. 5123.082. (A) The director of mental retardation and

al disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code:

(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 persons; 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 experience; 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.

(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.

(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 the rules, to meet the new standards.

(D) No person shall be employed in a position for which certification or registration is required under rules adopted under this section, unless the person holds a valid certificate or evidence of registration for the position.

Sec. 5123.60. (A) A legal rights service is hereby created and established to protect and advocate the rights of mentally ill persons, mentally retarded persons, developmentally disabled persons, and other disabled persons who may be represented by the service pursuant to division (L) of this section; to receive and act upon complaints concerning institutional and hospital practices and conditions of institutions for mentally retarded or developmentally disabled persons and hospitals for the mentally ill; and to assure that all persons detained, hospitalized, discharged, or institutionalized, and all persons whose detention, hospitalization, discharge, or institutionalization is sought or has been sought under this chapter or Chapter 5122. of the Revised Code are fully informed of their rights and adequately represented by counsel in proceedings under this chapter or Chapter 5122. of the Revised Code and in any proceedings to secure the rights of ~~such~~ those persons. Notwithstanding the definitions of "mentally retarded person" and "developmentally disabled person" in section 5123.01 of the Revised Code, the legal rights service shall determine who is a mentally retarded or developmentally disabled person for purposes of this section and sections 5123.601 to 5123.604 of the Revised Code.

(B) In regard to those persons detained, hospitalized, or institutionalized under Chapter 5122. of the Revised Code, the legal rights service shall undertake formal representation only of those persons who are involuntarily

detained, hospitalized, or institutionalized pursuant to sections 5122.10 to 5122.15 of the Revised Code, and those voluntarily detained, hospitalized, or institutionalized who are minors, who have been adjudicated incompetent, who have been detained, hospitalized, or institutionalized in a public hospital, or who have requested representation by the legal rights service. If a person referred to in division (A) of this section voluntarily requests in writing that the legal rights service terminate participation in the person's case, such involvement shall cease.

(C) Any person voluntarily hospitalized or institutionalized in a public hospital under division (A) of section 5122.02 of the Revised Code, after being fully informed of the person's rights ~~pursuant to~~ under division (A) of this section, may, by written request, waive assistance by the legal rights service if the waiver is knowingly and intelligently made, without duress or coercion.

The waiver may be rescinded at any time by the voluntary patient or resident, or by the voluntary patient's or resident's legal guardian.

(D)(1) The legal rights service commission is hereby created for the purposes of appointing an administrator of the legal rights service, advising the administrator, assisting the administrator in developing a budget, and establishing general policy guidelines for the legal rights service. The commission may receive and act upon appeals of personnel decisions by the administrator.

(2) The commission shall consist of seven members. One member, who shall serve as chairperson, shall be appointed by the chief justice of the supreme court, three members shall be appointed by the speaker of the house of representatives, and three members shall be appointed by the president of the senate. At least two members shall have experience in the field of developmental disabilities, and at least two members shall have experience in the field of mental health. No member shall be a provider or related to a provider of services to mentally retarded, developmentally disabled, or mentally ill persons. ~~Terms~~

(3) Terms of office of the members of the commission shall be for three years, each term ending on the same day of the month of the year as did the term which it succeeds. Each member shall serve subsequent to the expiration of the member's term until a successor is appointed and qualifies, or until sixty days has elapsed, whichever occurs first. ~~All~~ No member shall serve more than two consecutive terms.

All vacancies in the membership of the commission shall be filled in the manner prescribed for ~~the~~ regular appointments to the commission and shall be limited to the unexpired terms. ~~No member shall serve more than two~~

~~consecutive terms.~~

(4) The commission shall meet at least four times each year. Members shall be reimbursed for their necessary and actual expenses incurred in the performance of their official duties.

(5) The administrator of the legal rights service shall be appointed for a five-year term, subject to removal for mental or physical incapacity to perform the duties of the office, conviction of violation of any law relating to the administrator's powers and duties, or other good cause shown.

The administrator shall be a person who has had special training and experience in the type of work with which the legal rights service is charged. If the administrator is not an attorney, the administrator shall seek legal counsel when appropriate. The salary of the administrator shall be established in accordance with section 124.14 of the Revised Code.

(E) The legal rights service shall be completely independent of the department of mental health and the department of mental retardation and developmental disabilities and, notwithstanding section 109.02 of the Revised Code, shall also be independent of the office of the attorney general. The administrator of the legal rights service, staff, and attorneys designated by the administrator to represent persons detained, hospitalized, or institutionalized under this chapter or Chapter 5122. of the Revised Code shall have ready access to the following:

(1) During normal business hours and at other reasonable times, ~~to~~ all records relating to expenditures of state and federal funds or to the commitment, care, treatment, and habilitation of all persons represented by the legal rights service, including those who may be represented pursuant to division (L) of this section, or persons detained, hospitalized, institutionalized, or receiving services under this chapter or Chapter 340., 5119., 5122., or 5126. of the Revised Code that are records maintained by the following entities providing services for those persons: departments; institutions; hospitals; community residential facilities; boards of alcohol, drug addiction, and mental health services; county boards of mental retardation and developmental disabilities; contract agencies of those boards; and any other entity providing services to persons who may be represented by the service pursuant to division (L) of this section;

(2) ~~To any~~ Any records maintained in computerized data banks of the departments or boards or, in the case of persons who may be represented by the service pursuant to division (L) of this section, any other entity that provides services to those persons;

(3) During their normal working hours, ~~to~~ personnel of the departments, facilities, boards, agencies, institutions, hospitals, and other

providing entities;

(4) At any time, ~~to~~ all persons detained, hospitalized, or institutionalized; persons receiving services under this chapter or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and persons who may be represented by the service pursuant to division (L) of this section.

(F) The administrator of the legal rights service shall do the following:

(1) Administer and organize the work of the legal rights service and establish administrative or geographic divisions as the administrator considers necessary, proper, and expedient;

(2) Adopt and promulgate rules and prescribe duties for the efficient conduct of the business and general administration of the legal rights service;

(3) Appoint and discharge employees, and hire ~~such~~ experts, consultants, advisors, or other professionally qualified persons as the administrator considers necessary to carry out the duties of the legal rights service;

(4) Apply for and accept grants of funds, and accept charitable gifts and bequests;

(5) Prepare and submit a budget to the general assembly for the operation of the legal rights service;

(6) Enter into contracts and make ~~such~~ expenditures ~~as are~~ necessary for the efficient operation of the legal rights service;

(7) Annually prepare a report of activities and submit copies of the report to the governor, the chief justice of the supreme court, the president of the senate, the speaker of the house of representatives, the director of mental health, and the director of mental retardation and developmental disabilities, and make the report available to the public.

(G)(1) The legal rights service may act directly or contract with other organizations or individuals for the provision of the services envisioned under this section. ~~Whenever~~

(2) Whenever possible, the administrator shall attempt to 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 of the legal rights service, a member of the staff of the legal rights service, or an attorney designated by the administrator to perform legal services under division (E) of this section, the state shall, when the administrator, member, or attorney has acted in good faith and in the scope of employment, indemnify the administrator, member, or attorney for any judgment awarded or amount negotiated in settlement, and for any court costs or legal fees incurred in defense of the claim.

This division does not limit or waive, and shall not be construed to limit or waive, any defense that is available to the legal rights service, its administrator or employees, persons under a personal services contract with it, or persons designated under division (E) of this section, including, but not limited to, any defense available under section 9.86 of the Revised Code.

(L) In addition to providing services to mentally ill, mentally retarded, or developmentally disabled persons, when a grant authorizing the provision of services to other individuals is accepted pursuant to division (F)(4) of this section, the legal rights service and its ombudsperson section may provide advocacy or ombudsperson services to those other individuals and exercise any other authority granted by this section or sections 5123.601 to 5123.604 of the Revised Code on behalf of those individuals. Determinations of whether an individual is eligible for services under this division shall be made by the legal rights service.

Sec. 5123.71. (A)(1) Proceedings for the involuntary institutionalization

of a person pursuant to sections 5123.71 to 5123.76 of the Revised Code shall be commenced by the filing of an affidavit with the probate division of the court of common pleas of the county where the person ~~person's is located~~ resides or where the person is institutionalized, in the manner and form prescribed by the department of mental retardation and developmental disabilities either on information or actual knowledge, whichever is determined to be proper by the court. The affidavit may be filed only by a person who has custody of the individual as a parent, guardian, or service provider or by a person acting on behalf of the department or a county board of mental retardation and developmental disabilities. This section does not apply regarding the institutionalization of a person pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code.

The affidavit shall contain an allegation setting forth the specific category or categories under division ~~(L)~~(P) of section 5123.01 of the Revised Code upon which the commencement of proceedings is based and a statement of the factual ground for the belief that the person is a mentally retarded person subject to institutionalization by court order. Except as provided in division (A)(2) of this section, the affidavit shall be accompanied by both of the following:

(a) A comprehensive evaluation report prepared by the person's evaluation team that includes a statement by the members of the team certifying that they have performed a comprehensive evaluation of the person and that they are of the opinion that the person is a mentally retarded person subject to institutionalization by court order;

(b) An assessment report prepared by the county board of mental retardation and developmental disabilities under section 5123.711 of the Revised Code specifying that the individual is in need of services on an emergency or priority basis.

(2) ~~A~~ In lieu of the comprehensive evaluation report, the affidavit may be accompanied by a written and sworn statement that the person or the guardian of a person adjudicated incompetent has refused to allow a comprehensive evaluation and county board assessment and assessment reports. Immediately after accepting an affidavit that is not accompanied by the reports of a comprehensive evaluation and county board assessment, the court shall cause a comprehensive evaluation and county board assessment of the person named in the affidavit to be performed. The evaluation shall be conducted in the least restrictive environment possible and the assessment shall be conducted in the same manner as assessments conducted under section 5123.711 of the Revised Code. The evaluation and assessment must be completed before a probable cause hearing or full hearing may be held

under section 5123.75 or 5123.76 of the Revised Code.

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 court expense;

(3) Upon request, have a hearing to determine whether there is probable cause to believe that the person is a mentally retarded person subject to institutionalization by court order.

(C) No person who is being treated by spiritual means through prayer alone in accordance with a recognized religious method of healing may be ordered detained or involuntarily committed unless the court has determined that the person represents a very substantial risk of self-impairment, self-injury, or impairment or injury to ~~self to~~ others.

Sec. 5123.76. (A) The full hearing shall be conducted in a manner consistent with the procedures outlined in this chapter and with due process of law. The hearing shall be held by a judge of the probate division or, upon transfer by the judge of the probate division, by another judge of the court of common pleas, or a referee designated by the judge of the probate division. Any referee designated by the judge of the probate division must be an attorney.

(1) The following shall be made available to counsel for the respondent:

(a) All relevant documents, information, and evidence in the custody or control of the state or prosecutor;

(b) All relevant documents, information, and evidence in the custody or control of the institution, facility, or program in which the respondent

currently is held or in which the respondent has been held pursuant to these proceedings;

(c) With the consent of the respondent, all relevant documents, information, and evidence in the custody or control of any institution or person other than the state.

(2) The respondent has the right to be represented by counsel of the respondent's choice and has the right to attend the hearing except if unusual circumstances of compelling medical necessity exist that render the respondent unable to attend and the respondent has not expressed a desire to attend.

(3) If the respondent is not represented by counsel and the court determines that the conditions specified in division (A)(2) of this section justify the respondent's absence and the right to counsel has not been validly waived, the court shall appoint counsel forthwith to represent the respondent at the hearing, reserving the right to tax costs of appointed counsel to the respondent unless it is shown that the respondent is indigent. If the court appoints counsel, or if the court determines that the evidence relevant to the respondent's absence does not justify the absence, the court shall continue the case.

(4) The respondent shall be informed of the right to retain counsel, to have independent expert evaluation, and, if an indigent person, to be represented by court appointed counsel and have expert independent evaluation at court expense.

(5) The hearing may be closed to the public unless counsel for the respondent requests that the hearing be open to the public.

(6) Unless objected to by the respondent, the respondent's counsel, or the designee of the director of mental retardation and developmental disabilities, the court, for good cause shown, may admit persons having a legitimate interest in the proceedings.

(7) The affiant under section 5123.71 of the Revised Code shall be subject to subpoena by either party.

(8) The court shall examine the sufficiency of all documents filed and shall inform the respondent, if present, and the respondent's counsel of the nature of the content of the documents and the reason for which the respondent is being held or for which the respondent's placement is being sought.

(9) The court shall receive only relevant, competent, and material evidence.

(10) The designee of the director shall present the evidence for the state. In proceedings under this chapter, the attorney general shall present the

comprehensive evaluation, assessment, diagnosis, prognosis, record of habilitation and care, if any, and less restrictive habilitation plans, if any. The attorney general does not have a similar presentation responsibility in connection with a person who has been found not guilty by reason of insanity and who is the subject of a hearing under section 2945.40 of the Revised Code to determine whether the person is a mentally retarded person subject to institutionalization by court order.

(11) The respondent has the right to testify and the respondent or the respondent's counsel has the right to subpoena witnesses and documents and to present and cross-examine witnesses.

(12) The respondent shall not be compelled to testify and shall be so advised by the court.

(13) On motion of the respondent or the respondent's counsel for good cause shown, or upon the court's own motion, the court may order a continuance of the hearing.

(14) To an extent not inconsistent with this chapter, the Rules of Civil Procedure shall be applicable.

(B) Unless, upon completion of the hearing, the court finds by clear and convincing evidence that the respondent named in the affidavit is a mentally retarded person subject to institutionalization by court order, it shall order the respondent's discharge forthwith.

(C) If, upon completion of the hearing, the court finds by clear and convincing evidence that the respondent is a mentally retarded person subject to institutionalization by court order, the court may order the respondent's discharge or order the respondent, for a period not to exceed ninety days, to any of the following:

(1) A public institution, provided that commitment of the respondent to the institution will not cause the institution to exceed its licensed capacity determined in accordance with section 5123.19 of the Revised Code and provided that such a placement is indicated by the comprehensive evaluation report filed pursuant to section 5123.71 of the Revised Code;

(2) A private institution;

(3) A county mental retardation program;

(4) Receive private habilitation and care;

(5) Any other suitable facility, program, or the care of any person consistent with the comprehensive evaluation, assessment, diagnosis, prognosis, and habilitation needs of the respondent.

(D) Any order made pursuant to division (C)(2), (4), or (5) of this section shall be conditional upon the receipt by the court of consent by the facility, program, or person to accept the respondent.

(E) In determining the place to which, or the person with whom, the respondent is to be committed, the court shall consider the comprehensive evaluation, assessment, diagnosis, and projected habilitation plan for the respondent, and shall order the implementation of the least restrictive alternative available and consistent with habilitation goals.

(F) If, at any time it is determined by the director of the facility or program to which, or the person to whom, the respondent is committed that the respondent could be equally well habilitated in a less restrictive environment that is available, the following shall occur:

(1) The respondent shall be released by the director of the facility or program or by the person forthwith and referred to the court together with a report of the findings and recommendations of the facility, program, or person.

(2) The director of the facility or program or the person shall notify the respondent's counsel and the designee of the director of mental retardation and developmental disabilities.

(3) The court shall dismiss the case or order placement in the less restrictive environment.

(G)(1) Except as provided in divisions (G)(2) and (3) of this section, any person who has been committed under this section may apply at any time during the ninety-day period for voluntary admission to an institution under section 5123.69 of the Revised Code. Upon admission of a voluntary resident, the managing officer immediately shall notify the court, the respondent's counsel, and the designee of the director in writing of that fact by mail or otherwise, and, upon receipt of the notice, the court shall dismiss the case. ~~is admitted~~

(2) ~~admitted~~ A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not be voluntarily admitted to an institution pursuant to division (G)(1) of this section until after the termination of the commitment, as described in division (J) of section 2945.401 of the Revised Code.

(H) If, at the end of any commitment period, the respondent has not already been discharged or has not requested voluntary admission status, the director of the facility or program, or the person to whose care the respondent has been committed, shall discharge the respondent forthwith, unless at least ten days before the expiration of that period the designee of the director of mental retardation and developmental disabilities or the prosecutor files an application with the court requesting continued commitment.

(1) An application for continued commitment shall include a written report containing a current comprehensive evaluation and assessment, a diagnosis, a prognosis, an account of progress and past habilitation, and a description of alternative habilitation settings and plans, including a habilitation setting that is the least restrictive setting consistent with the need for habilitation. A copy of the application shall be provided to respondent's counsel. The requirements for notice under section 5123.73 of the Revised Code and the provisions of divisions (A) to (E) of this section apply to all hearings on such applications.

(2) A hearing on the first application for continued commitment shall be held at the expiration of the first ninety-day period. The hearing shall be mandatory and may not be waived.

(3) Subsequent periods of commitment not to exceed one hundred eighty days each may be ordered by the court if the designee of the director of mental retardation and developmental disabilities files an application for continued commitment, after a hearing is held on the application or without a hearing if no hearing is requested and no hearing required under division (H)(4) of this section is waived. Upon the application of a person involuntarily committed under this section, supported by an affidavit of a licensed physician alleging that the person is no longer a mentally retarded person subject to institutionalization by court order, the court for good cause shown may hold a full hearing on the person's continued commitment prior to the expiration of any subsequent period of commitment set by the court.

(4) A mandatory hearing shall be held at least every two years after the initial commitment.

(5) If the court, after a hearing upon a request to continue commitment, finds that the respondent is a mentally retarded person subject to institutionalization by court order, the court may make an order pursuant to divisions (C), (D), and (E) of this section.

(I) Notwithstanding the provisions of division (H) of this section, no person who is found to be a mentally retarded person subject to institutionalization by court order pursuant to division ~~(L)~~(P)(2) of section 5123.01 of the Revised Code shall be held under involuntary commitment for more than five years.

(J) The managing officer admitting a person pursuant to a judicial proceeding, within ten working days of the admission, shall make a report of the admission to the department.

~~entity entity entity entity~~

Sec. 5126.01. As used in this chapter:

(A) "~~Adult services~~" means a range of habilitation services designed to

~~meet the individual needs of persons~~ As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code; and of persons an individual sixteen and or seventeen years of age who is eligible for adult services under rules adopted by the director of mental retardation and developmental disabilities pursuant to Chapter 119. of the Revised Code. Such services may include habilitation programs and services, sheltered employment providing a structured work environment, job training, job placement, supported employment, competitive employment, and planned therapeutic and work activities providing meaningful tasks designed to improve the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual's age and cultural group

(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills.

(2) "Adult services" includes all of the following:

(a) Adult day habilitation services;

(b) Adult day care;

(c) Prevocational services;

(d) Sheltered employment;

(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports.

(3) "Adult services" does not include community or supported employment services.

(B)(1) "Adult day habilitation services" means adult services that do the following:

(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as 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;

(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.

(2) "Adult day habilitation services" includes all of the following:

(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;

(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;

(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;

(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;

(e) Counseling and assistance provided to obtain housing, including such counseling as identifying options for either rental or purchase, identifying financial resources, assessing needs for environmental modifications, locating housing, and planning for ongoing management and maintenance of the housing selected;

(f) Transportation necessary to access adult day habilitation services;

(g) Habilitation management, as described in section 5126.14 of the Revised Code.

(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services.

(C) "Community employment services" or "supported employment services" means job training and other services related to employment outside a sheltered workshop. "Community employment services" or "supported employment services" include all of the following:

(1) Job training resulting in the attainment of competitive work, supported work in a typical work environment, or self-employment;

(2) Supervised work experience through an employer paid to provide the supervised work experience;

(3) Ongoing work in a competitive work environment at a wage

commensurate with workers without disabilities:

(4) Ongoing supervision by an employer paid to provide the supervision.

(D) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.

"Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code;

(2) It is manifested before age twenty-two;

(3) It is likely to continue indefinitely;

(4) It results in one of the following:

(a) In the case of a person under age three, at least one developmental delay or an established risk;

(b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;

(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.

(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.

~~(C)~~(E) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with mental retardation or other developmental disabilities who have not attained compulsory school age.

~~(D)~~(F)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.

(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways, modification of

bathroom facilities, and installation of specialized electric and plumbing systems necessary to accommodate the individual's medical equipment and supplies.

(3) "Environmental modifications" does not include physical adaptations or improvements to the home that are of general utility or not of direct medical or remedial benefit to the individual, including such adaptations or improvements as carpeting, roof repair, and central air conditioning.

(G) "Family support services" means the services provided under a family support services program operated under section 5126.11 of the Revised Code.

(H) "Habilitation" means the process by which the staff of the facility or agency assists an individual with mental retardation or other developmental disability in acquiring and maintaining those life skills that enable the individual to cope more effectively with the demands of the individual's own person and environment, and in raising the level of the individual's personal, physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal, structured education and training.

~~(E)~~(I) "Habilitation center services" means services provided by a habilitation center certified by the department of mental retardation and developmental disabilities under section 5123.041 of the Revised Code and covered by the medicaid program pursuant to rules adopted under section 5111.041 of the Revised Code.

(J) "Home and community-based services" means medicaid-funded home and community-based services provided under a medicaid component the department of mental retardation and developmental disabilities administers pursuant to section 5111.871 of the Revised Code.

(K) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

(L) "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.

(M) "Mental retardation" means a mental impairment manifested during the developmental period characterized by significantly subaverage general intellectual functioning existing concurrently with deficiencies in the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual's age and cultural group.

~~(F)~~(N) "Residential services" means services to individuals with mental

retardation or other developmental disabilities to provide housing, food, clothing, habilitation, staff support, and related support services necessary for the health, safety, and welfare of the individuals and the advancement of their quality of life. "Residential services" includes program management, as described in section 5126.14 of the Revised Code.

~~(G)~~(O) "Resources" means available capital and other assets, including moneys received from the federal, state, and local governments, private grants, and donations; appropriately qualified personnel; and appropriate capital facilities and equipment.

~~(H)~~(P) "Service and support administration" means the duties performed by a service and support administrator pursuant to section 5126.15 of the Revised Code.

(O)(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.

(2) "Specialized medical, adaptive, and assistive equipment, supplies, and supports" includes the following:

(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.

(b) Nondisposable items not covered by medicaid that are intended to assist an individual in activities of daily living or instrumental activities of daily living.

(R) "Supportive home services" means a range of services to families of individuals with mental retardation or other developmental disabilities to develop and maintain increased acceptance and understanding of such persons, increased ability of family members to teach the person, better coordination between school and home, skills in performing specific therapeutic and management techniques, and ability to cope with specific situations.

~~(S)~~(S)(1) "Supported living" means services provided for as long as twenty-four hours a day to an individual with mental retardation or other

developmental disability through any public or private resources, including moneys from the individual, that enhance the individual's reputation in community life and advance the individual's quality of life by doing the following:

~~(1)~~(a) Providing the support necessary to enable an individual to live in a residence of the individual's choice ~~and to choose to live alone~~, with any number of individuals who are not disabled, or with not more than three individuals with mental retardation and developmental disabilities unless the individuals are related by blood or marriage;

~~(2)~~(b) Encouraging the individual's participation in the community;

~~(3)~~(c) Promoting the individual's rights and autonomy;

~~(4) Encouraging the increase of the individual's~~ (d) Assisting the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in the individual's residence.

(2) "Supported living" includes the provision of ~~housing~~ all of the following:

(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary ~~for~~ to ensure the health, safety, and welfare of the individual receiving the services;

(b) A combination of life-long or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;

(c) Personal care services and homemaker services;

(d) Household maintenance that does not include modifications to the physical structure of the residence;

(e) Respite care services;

(f) Program management, as described in section 5126.14 of the Revised Code.

Sec. 5126.035. (A) As used in this section:

(1) "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.

(2) "Service contract" means a contract between a county board of mental retardation and developmental disabilities and a provider under which the provider is to provide services to an individual with mental retardation or other developmental disability.

(B) Each service contract that a county board of mental retardation and developmental disabilities enters into with a provider shall do all of the following:

(1) Comply with rules adopted under division (E) of this section;

(2) If the provider is to provide home and community-based services, medicaid case management services, or habilitation center services, comply with all applicable statewide medicaid requirements;

(3) Include a general operating agreement component and an individual service needs addendum.

(C) The general operating agreement component shall include all of the following:

(1) The roles and responsibilities of the county board regarding services for individuals with mental retardation or other developmental disability who reside in the county the county board serves;

(2) The roles and responsibilities of the provider as specified in the individual service needs addendum;

(3) Procedures for the county board to monitor the provider's services;

(4) Procedures for the county board to evaluate the quality of care and cost effectiveness of the provider's services;

(5) Procedures for payment of eligible claims;

(6) If the provider is to provide home and community-based services, medicaid case management services, or habilitation center services, both of the following:

(a) Procedures for reimbursement that conform to the statewide reimbursement process and the county board's plan submitted under section 5126.054 of the Revised Code;

(b) Procedures that ensure that the county board pays the nonfederal share of the medicaid expenditures that the county board is required by division (A) of section 5126.056 of the Revised Code to pay.

(7) Procedures for the county board to perform service utilization reviews and the implementation of required corrective actions;

(8) Procedures for the provider to submit claims for payment for a service no later than three hundred thirty days after the date the service is provided;

(9) Procedures for rejecting claims for payment that are submitted after the time required by division (B)(9) of this section;

(10) Procedures for developing, modifying, and executing initial and subsequent service plans. The procedures shall provide for the provider's participation.

(11) Procedures for affording individuals due process protections;

ices pursuant to the individual service needs addendum:

(13) Methods to be used to document services provided and procedures for submitting reports the county board requires;

(14) Methods for authorizing and documenting within seventy-two hours changes to the individual service needs addendum. The methods shall allow for changes to be initially authorized verbally and subsequently in writing.

(15) Procedures for modifying the individual service needs addendum in accordance with changes to the recipient's individualized service plan;

(16) Procedures for terminating the individual service needs addendum within thirty days of a request made by the recipient;

(17) A requirement that all parties to the contract accept the contract's terms and conditions;

(18) A designated contact person and the method of contacting the designated person to respond to medical or behavioral problems and allegations of major unusual incidents or unusual incidents;

(19) Procedures for ensuring the health and welfare of the recipient;

(20) Procedures for ensuring fiscal accountability and the collection and reporting of programmatic data;

(21) Procedures for implementing the mediation and arbitration process under section 5126.036 of the Revised Code;

(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;

(23) Anything else allowable under federal and state law that the county board and provider agree to.

(D) The individual service needs addendum shall be consistent with the general operating agreement component and include all of the following:

(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;

(2) A clear and complete description of the services that the recipient is to receive as determined using statewide assessment tools;

(3) A copy of the recipient's assessment and individualized service plan;

(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.

(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 community-based services, medicaid case management services, or habilitation center services have a medicaid provider agreement with the department of job and family services.

Sec. 5126.036. (A) As used in this section:

(1) "Aggrieved party" means any of the following:

(a) The party to a service contract that is aggrieved by an action the other party has taken or not taken under the service contract;

(b) 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;

(c) A person or government entity aggrieved by termination by a county board of mental retardation and development disabilities of a service contract between the person or government entity and the county board.

(2) "Mediator/arbitrator" means either of the following:

(a) An attorney at law licensed to practice law in this state who is mutually selected by the parties under division (B)(4) of this section to conduct mediation and arbitration;

(b) A retired judge who is selected under division (B)(4) of this section to conduct mediation and arbitration.

(3) "Other party" means any of the following:

(a) The party to a service contract that has taken or not taken an action under the service contract that causes the aggrieved party to be aggrieved;

(b) A county board of mental retardation and developmental disabilities that refuses to enter into a service contract with a person or government entity;

(c) A county board of mental retardation and developmental disabilities that terminates a service contract.

(4) "Parties" mean either of the following:

(a) A county board of mental retardation and developmental disabilities and a provider that have or had a service contract with each other;

(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.

(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.

(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.

(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:

(1) No later than thirty days after first notifying the other party that the aggrieved party is aggrieved, the aggrieved party 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.

(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.

(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.

(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 create such a list and provide it to the parties. To select the retired judge to conduct the mediation and arbitration, the parties shall take turns, beginning with the aggrieved party, striking retired judges from the list. The retired judge remaining on the list after both parties have each stricken two retired judges from the list shall perform the mediation and arbitration duties, including scheduling the first meeting of mediation if the parties are unable to agree on a date for the first meeting.

(5) A stenographic record or tape recording and transcript of each mediation and arbitration meeting shall be maintained as part of the mediation and arbitration's official records. The parties shall share the cost of the mediation and arbitration, including the cost of the mediator/arbitrator's services but excluding the cost of representation.

(6) The first mediation meeting shall be held no later than sixty days after the date the aggrieved party files the written notice of mediation and arbitration under division (B)(1) of this section unless the parties informally resolve the conflict under division (B)(3) of this section or the parties mutually agree to hold the first meeting at a later time. The mediation shall be conducted in the manner the parties mutually agree. If the parties are unable to agree on how the mediation is to be conducted, the mediator/arbitrator selected under division (B)(4) of this section shall determine how it is to be conducted. The rules of evidence may be used. The mediator/arbitrator shall attempt to resolve the conflict through the mediation process. The mediator/arbitrator's resolution of the conflict may be applied retroactively.

(7) If the conflict is not resolved through the mediation process, the mediator/arbitrator shall arbitrate the conflict. The parties shall present evidence to the mediator/arbitrator in the 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 recommendation and response are a final adjudication order subject to appeal to the court of common pleas of Franklin county under section 119.12 of the Revised Code, except that the court shall consider only whether the conclusions of law the department adopts are in accordance with the law.

(10) If the department of job and family services, in consultation with the department of mental retardation and developmental disabilities, determines no later than thirty days following the date 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, or, if the recommendation is remanded under division (B)(9) of this section, thirty days following the date the department receives the response to the remand, that any aspect of the conflict between the parties affects the medicaid program, the department of mental retardation and developmental disabilities shall take all actions under division (B)(9) of this section in consultation with the department of job and family services.

(C) If the department of mental retardation and developmental disabilities is aware of 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 to which the mediation and arbitration procedures established by this section may be applied and that the aggrieved party has not filed a written notice of mediation and

arbitration within the time required by division (B)(1) of this section, the department may require that the parties implement the mediation and arbitration procedures.

(D) Each service contract shall provide for the parties to follow the mediation and arbitration procedures established by this section if a party takes or does not take an action under the service contract that causes the aggrieved party to be aggrieved or if the provider is aggrieved by the county board's termination of the service contract.

Sec. 5126.041. (A) As used in this section:

(1) "Biological risk" and "environmental risk" have the meanings established pursuant to section 5123.011 of the Revised Code.

(2) "Handicapped preschool child" has the same meaning as in section 3323.01 of the Revised Code.

(3) "State institution" means all or part of an institution under the control of the department of mental retardation and developmental disabilities pursuant to section 5123.03 of the Revised Code and maintained for the care, treatment, and training of the mentally retarded.

(B) Except as provided in division (C) of this section, each county board of mental retardation and developmental disabilities shall make eligibility determinations in accordance with the definition of "developmental disability" in section 5126.01 of the Revised Code. Pursuant to rules the department of mental retardation and developmental disabilities shall adopt in accordance with Chapter 119. of the Revised Code, a county board may establish eligibility for programs and services for either of the following:

(1) Individuals under age six who have a biological risk or environmental risk of a developmental delay;

(2) Any handicapped preschool child eligible for services under section 3323.02 of the Revised Code whose handicap is not attributable solely to mental illness as defined in section 5122.01 of the Revised Code.

(C)(1) A county board shall make determinations of eligibility for ~~ease management services~~ service and support administration in accordance with ~~rules adopted under section 5126.15~~ 5126.08 of the Revised Code.

(2) All persons who were eligible for services and enrolled in programs offered by a county board of mental retardation and developmental disabilities pursuant to this chapter on July 1, 1991, shall continue to be eligible for those services and to be enrolled in those programs as long as they are in need of services.

(3) A person who resided in a state institution on or before October 29, 1993, is eligible for programs and services offered by a county board of mental retardation and developmental disabilities, unless the person is

determined by the county board not to be in need of those programs and services.

(D) A county board shall refer a person who requests but is not eligible for programs and services offered by the board to other entities of state and local government or appropriate private entities that provide services.

(E) Membership of a person on, or employment of a person by, a county board of mental retardation and developmental disabilities does not affect the eligibility of any member of that person's family for services provided by the board or by any entity under contract with the board.

Sec. 5126.042. (A) As used in this section:

(1) "Emergency" means any situation that creates for an individual with mental retardation or developmental disabilities a risk of substantial self-harm or substantial harm to others if action is not taken within thirty days. An "emergency" may include one or more of the following situations:

(a) Loss of present residence for any reason, including legal action;

(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;

(c) Abuse, neglect, or exploitation of the individual;

(d) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;

(e) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker.

(2) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

~~(3) "Priority" means any situation that would constitute an emergency except that action to resolve the situation may be taken in more than thirty but less than ninety days without creating a risk of substantial harm to self or others.~~

(B) If a county board of mental retardation and developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request programs and services and may be offered the programs and services, it shall establish waiting lists for services. The board may establish priorities for making placements on its waiting lists according to an individual's emergency ~~or priority~~ status and shall establish priorities in accordance with division (D) of this section.

The individuals who may be placed on a waiting list include individuals with a need for services on an emergency ~~or priority~~ basis and individuals who have requested services for which resources are not available.

~~An~~ Except for an individual who is to receive priority for services pursuant to division (D)(3) of this section, an individual who currently receives a service but would like to change to another service shall not be placed on a waiting list but shall be placed on a service substitution list. The board shall work with the individual, service providers, and all appropriate entities to facilitate the change in service as expeditiously as possible. The board may establish priorities for making placements on its service substitution lists according to an individual's emergency ~~or priority~~ status.

In addition to maintaining waiting lists and service substitution lists, a board shall maintain a long-term service planning registry for individuals who wish to record their intention to request in the future a service they are not currently receiving. The purpose of the registry is to enable the board to document requests and to plan appropriately. The board may not place an individual on the registry who meets the conditions for receipt of services on an emergency ~~or priority~~ basis.

(C) A county board shall establish a separate waiting list for each of the following categories of services, and may establish separate waiting lists within the waiting lists:

- (1) Early childhood services;
- (2) Educational programs for preschool and school age children;
- (3) Adult services;
- (4) ~~Case management services~~ service and support administration;
- (5) Residential services and supported living;
- (6) Transportation services;
- (7) Other services determined necessary and appropriate for persons with mental retardation or a developmental disability according to their individual habilitation or service plans;
- (8) Family support services provided under section 5126.11 of the Revised Code.

(D) 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:

(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:

(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:

(i) Is twenty-two years of age or older;

(ii) Receives supported living or family support services.

(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:

(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;

(ii) Receives adult services from the county board.

(2) As federal medicaid funds become available pursuant to division (D)(1) of this section, give an individual who is eligible for home and community-based services and meets any of the following requirements priority for such services over any other individual on a waiting list established under division (C) of this section other than an individual given priority under division (D)(1) of this section:

(a) Does not receive residential services or supported living, either needs services in the individual's current living arrangement or will need services in a new living arrangement, and has a primary caregiver who is sixty years of age or older;

(b) Is less than twenty-two years of age, does not receive residential services or supported living, resides in the home of the individual's family, and has at least one of the following service needs that are unusual in scope or intensity:

(i) Severe behavior problems for which a behavior support plan is needed;

(ii) An emotional disorder for which anti-psychotic medication is needed;

(iii) A medical condition that leaves the individual dependent on life-support medical technology;

(iv) A condition affecting multiple body systems for which a combination of specialized medical, psychological, educational, or habilitation services are needed;

(v) A condition the county board determines to be comparable in severity to any condition described in division (D)(1)(b)(i) to (iv) of this section and places the individual at significant risk of institutionalization.

(c) Is twenty-two years of age or older and is determined by the county board to have intensive needs for residential services on an in-home or out-of-home basis.

(3) In fiscal years 2002 and 2003, give an individual who is eligible for

home and community-based services, resides in an intermediate care facility for the mentally retarded or nursing facility, chooses to move to another setting with the help of home and community-based services, and has been determined by the department of mental retardation and developmental disabilities to be capable of residing in the other setting, priority over any other individual on a waiting list established under division (C) of this section for home and community-based services who does not meet these criteria. The department of mental retardation and developmental disabilities shall identify the individuals to receive priority under division (D)(3) of this section, assess the needs of the individuals, and notify the county boards that are to provide the individuals priority under division (D)(3) of this section of the individuals identified by the department and the individuals' assessed needs.

(E)(1) No individual may receive priority for services pursuant to division (D) of this section over an individual placed on a waiting list established under division (C) of this section on an emergency status.

(2) No more than two hundred individuals in the state may receive priority for services during state fiscal years 2002 and 2003 pursuant to division (D)(2)(b) of this section.

(3) No more than a total of seventy-five individuals in the state may receive priority for services during state fiscal years 2002 and 2003 pursuant to division (D)(3) of this section.

(F) Prior to establishing any waiting list under this section, a county board shall develop and implement a policy for waiting lists that complies with this section and rules that the department of mental retardation and developmental disabilities shall adopt in accordance with Chapter 119. of the Revised Code. The department's rules shall include procedures to be followed to ensure that the due process rights of individuals placed on waiting lists are not violated.

Prior to placing an individual on a waiting list, the county board shall assess the service needs of the individual in accordance with all applicable state and federal laws. The county board shall place the individual on the appropriate waiting list and may place the individual on more than one waiting list. The county board shall notify the individual of the individual's placement and position on each waiting list on which the individual is placed.

At least annually, the county board shall reassess the service needs of each individual on a waiting list. If it determines that an individual no longer needs a program or service, the county board shall remove the individual from the waiting list. If it determines that an individual needs a program or

service other than the one for which the individual is on the waiting list, the county board shall provide the program or service to the individual or place the individual on a waiting list for the program or service in accordance with the board's policy for waiting lists.

When a program or service for which there is a waiting list becomes available, the county board shall reassess the service needs of the individual next scheduled on the waiting list to receive that program or service. If the reassessment demonstrates that the individual continues to need the program or service, the board shall offer the program or service to the individual. If it determines that an individual no longer needs a program or service, the county board shall remove the individual from the waiting list. If it determines that an individual needs a program or service other than the one for which the individual is on the waiting list, the county board shall provide the program or service to the individual or place the individual on a waiting list for the program or service in accordance with the board's policy for waiting lists. The county board shall notify the individual of the individual's placement and position on the waiting list on which the individual is placed.

~~(E)~~(G) A child subject to a determination made pursuant to section 121.38 of the Revised Code who requires the home and community-based services provided through the ~~medical assistance waiver programs operated~~ medicaid component that the department of mental retardation and developmental disabilities administers under ~~sections 5111.87 and 5111.88~~ section 5111.871 of the Revised Code shall receive services through ~~the waiver programs adopted under Chapters 5111., 5123., and 5126. of the Revised Code~~ that medicaid component. For all other services, a child subject to a determination made pursuant to section 121.38 of the Revised Code shall be treated as an emergency by the county boards and shall not be subject to a waiting list.

~~(F)~~(H) Not later than the fifteenth day of March of each even-numbered year, each county board shall prepare and submit to the director of mental retardation and developmental disabilities its recommendations for the funding of services for individuals with mental retardation and developmental disabilities and its proposals for reducing the waiting lists for services.

~~(G)~~(I) The following shall take precedence over the applicable provisions of this section:

- (1) Medicaid rules and regulations;
- (2) Any specific requirements that may be contained within a medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services,

programs, or supports.

Sec. 5126.046. (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.

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.

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 Revised Code.

(B) Each month, the department of mental retardation and developmental disabilities shall create a list of all persons and government entities eligible to provide residential services and supported living. The department shall include on the list all residential facilities licensed under section 5123.19 of the Revised Code and all supported living providers certified under section 5126.431 of the Revised Code. The department shall distribute the monthly lists to county boards that have local administrative authority under division (A) of section 5126.055 of the Revised Code for residential services and supported living provided as part of home 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.

An individual who is eligible for residential services or supported living may choose the provider of the residential services or supported living.

If a county board has 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.

(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 established by this section of an individual to choose a provider that is qualified and willing to provide services to the individual, the individual shall receive timely notice that the individual may request a hearing under section 5101.35 of the Revised Code.

(D) The departments of mental retardation and developmental disabilities and job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the implementation of this section. The rules shall include procedures for individuals to choose their service providers. The rules shall not be limited by a provider selection system established under section 5126.42 of the Revised Code, including any pool of providers created pursuant to a provider selection system.

Sec. 5126.05. (A) Subject to the rules established by the director of mental retardation and developmental disabilities pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to this chapter, and subject to the rules established by the state board of education pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to Chapter 3323. of the Revised Code, the county board of mental retardation and developmental disabilities shall:

(1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;

(2) Coordinate, monitor, and evaluate existing services and facilities available to individuals with mental retardation and developmental disabilities;

(3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;

(4) Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;

(5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;

(6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;

(7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits;

(8) Provide ~~ease management services, as defined in rules adopted by the director of mental retardation and developmental disabilities,~~ service and support administration in accordance with section ~~5126.15~~ 5126.046 of the Revised Code;

(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of mental retardation and developmental disabilities.

(B) To the extent that rules adopted under this section apply to the identification and placement of handicapped children under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.

(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.

(D) A county board may combine transportation for children and adults

enrolled in programs and services offered under section 5126.12 with transportation for children enrolled in classes funded under section 3317.20 or units approved under section 3317.05 of the Revised Code.

(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements.

(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such board and shall be available for use by the board for purposes determined or stated by the donor or grantor, but may not be used for personal expenses of the board members. Any interest or earnings accruing from such gift, grant, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest.

(G) The board of county commissioners shall levy taxes and make appropriations sufficient to enable the county board of mental retardation and developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose.

Sec. 5126.051. (A) To the extent that resources are available, a county board of mental retardation and developmental disabilities ~~may~~ shall provide for or arrange residential services and supported living for individuals with mental retardation and developmental disabilities.

A county board may acquire, convey, lease, or sell property for residential services and supported living and enter into loan agreements, including mortgages, for the acquisition of such property. A county board is not required to comply with provisions of Chapter 307. of the Revised Code providing for competitive bidding or sheriff sales in the acquisition, lease, conveyance, or sale of property under this division, but the acquisition, lease, conveyance, or sale must be at fair market value determined by appraisal of one or more disinterested persons appointed by the board.

Any action taken by a county board under this division that will incur debt on the part of the county shall be taken in accordance with Chapter 133. of the Revised Code. A county board shall not incur any debt on the part of the county without the prior approval of the board of county commissioners.

(B)(1) To the extent that resources are available, in addition to sheltered employment and work activities provided as adult services pursuant to division (A)(3) of section 5126.05 of the Revised Code, a county board of mental retardation and developmental disabilities may provide or arrange for job training, vocational evaluation, and community employment services to mentally retarded and developmentally disabled individuals who are age eighteen and older and not enrolled in a program or service under Chapter 3323. of the Revised Code or age sixteen or seventeen and eligible for adult services under rules adopted by the director of mental retardation and developmental disabilities under Chapter 119. of the Revised Code. These services shall be provided in accordance with the individual's individual service or habilitation plan and shall include support services specified in the plan.

(2) A county board may, in cooperation with the Ohio rehabilitation services commission, seek federal funds for job training and community employment.

(3) A county board may contract with any agency, board, or other entity that is accredited by the commission on accreditation of rehabilitation facilities to provide services. A county board that is accredited by the commission on accreditation of rehabilitation facilities may provide services for which it is certified by the commission.

(C) To the extent that resources are available, a county board may provide services to an individual with mental retardation or other developmental disability in addition to those provided pursuant to this section, section 5126.05 of the Revised Code, or any other section of this chapter. The services shall be provided in accordance with the individual's habilitation or service plan and may be provided in collaboration with other entities of state or local government.

Sec. 5126.053. (A) As used in this section, "effective tax rate" has the same meaning as in section 5126.16 of the Revised Code.

(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:

(1) Early childhood services pursuant to section 5126.05 of the Revised

Code for children under age three;

(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;

(3) ~~Case management services~~ Service and support administration pursuant to section 5126.15 of the Revised Code.

(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.

(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 one-half mills for general operations for programs under which the services described in division (B) of this section are provided and arranged or that there are extenuating circumstances.

Sec. 5126.054. (A) Each county board of mental retardation and developmental disabilities shall, by resolution, develop a three-calendar year plan that includes all of the following components:

(1) An assessment component that includes all of the following:

(a) The number of individuals with mental retardation or other developmental disability residing in the county who need the level of care provided by an intermediate care facility for the mentally retarded, may seek home and community-based services, are given priority for the services pursuant to division (D) of section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;

(b) The source of funds available to the county board to pay the nonfederal share of medicaid expenditures that the county board is required by division (A) of section 5126.056 of the Revised Code to pay;

(c) Any other applicable information or conditions that the department of mental retardation and developmental disabilities requires as a condition of approving the plan under section 5123.046 of the Revised Code.

(2) A component that provides for the recruitment, training, and retention of existing and new direct care staff necessary to implement services included in individualized service plans, including behavior management services and health management services such as delegated nursing and other habilitation center services, and protect the health and

welfare of individuals receiving services included in the individual's individualized service plan by complying with safeguards for unusual and major unusual incidents, day-to-day program management, and other requirements the department shall identify. A county board shall develop this component in collaboration with providers of medicaid-funded services with which the county board contracts. A county board shall include all of the following in the component:

(a) The source and amount of funds available for the component;

(b) A plan and timeline for implementing the component with the medicaid providers under contract with the county board;

(c) The mechanisms the county board shall use to ensure the financial and program accountability of the medicaid provider's implementation of the component.

(3) A component that provides for the implementation of habilitation center services, medicaid case management services, and home and community-based services for individuals who begin to receive the services on or after the date the plan is approved under section 5123.046 of the Revised Code. A county board shall include all of the following in the component:

(a) If the department of mental retardation and developmental disabilities or department of job and family services requires, an agreement to pay the nonfederal share of medicaid expenditures that the county board is required by division (A) of section 5126.056 of the Revised Code to pay;

(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals on a waiting list established under division (C) of section 5126.042 who are given priority status under division (D)(1) of that section;

(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;

(d) Assurances adequate to the department that the county board will comply with all of the following requirements:

(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;

(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.

(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.

(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 retardation or other developmental disability who resides in the county that the county board serves and seeks or receives home and community-based services:

(1) Perform assessments and evaluations of the individual. As part of the assessment and evaluation process, the county board shall do all of the following:

(a) Make a recommendation to the department of mental retardation and developmental disabilities on whether the department should approve or deny the individual's application for the services, including on the basis of whether the individual needs the level of care an intermediate care facility for the mentally retarded provides;

(b) If the individual's application is denied because of the county board's recommendation and the individual requests a hearing under section 5101.35 of the Revised Code, present, with the department of mental retardation and developmental disabilities or department of job and family services, whichever denies the application, the reasons for the recommendation and denial at the hearing;

(c) If the individual's application is approved, recommend to the departments of mental retardation and developmental disabilities and job and family services the services that should be included in the individual's individualized service plan and, if either department approves, reduces, denies, or terminates a service included in the individual's individualized service plan under section 5111.871 of the Revised Code because of the county board's recommendation, present, with the department that made the approval, reduction, denial, or termination, the reasons for the recommendation and approval, reduction, denial, or termination at a hearing under section 5101.35 of the Revised Code.

(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;

(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;

(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.

(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;

(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.

(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;

(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 duties under division (B)(9) of section 5126.15 of the Revised Code that concern the individual.

(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:

(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 individualized service plan;

(2) If the department of mental retardation and developmental disabilities or department of job and family services approves, reduces, denies, or terminates a service included in the individual's individualized service plan under section 5111.041 or 5111.042 of the Revised Code because of the county board's recommendation under division (B)(1) of this section, present, with the department that made the approval, reduction, denial, or termination, the reasons for the recommendation and approval, reduction, denial, or termination at a hearing under section 5101.35 of the Revised Code and inform the individual that the individual may file a complaint with the county board under section 5126.06 of the Revised Code at the same time the individual pursues an appeal under section 5101.35 of the Revised Code;

(3) In accordance with rules the departments of mental retardation and developmental disabilities and job and family services shall adopt in accordance with Chapter 119. of the Revised Code governing the process for individuals to choose providers of medicaid case management services and habilitation center services, assist the individual in choosing the provider of the services. The rules shall provide for both of the following:

(a) The county board providing the individual up-to-date information about qualified providers that the department of mental retardation and developmental disabilities shall make available to the county board;

(b) If the individual chooses a provider who is qualified and willing to provide the services but is denied that provider, the individual receiving timely notice that the individual may request a hearing under section 5101.35 of the Revised Code and, at the hearing, the county board presenting evidence of the process for appropriate assistance in choosing providers.

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 duties under division (B)(9) of section 5126.15 of the Revised Code that concern the individual.

(C) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following:

(1) The county board's plan that the department of mental retardation and developmental disabilities approves under section 5123.046 of the Revised Code;

(2) All applicable federal and state laws;

(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;

(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;

(5) The department of mental retardation and developmental disabilities' oversight.

(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.

(E) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of mental retardation and developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or government entity shall comply in full with all requirements to which the county board is subject regarding the person or government entity's tasks and responsibilities under the contract. The county remains ultimately responsible for the tasks and responsibilities.

(F) A county board that has medicaid local administrative authority under this section shall, through the departments of mental retardation and developmental disabilities and job and family services, reply to, and cooperate in arranging compliance with, a program or fiscal audit or program violation exception that a state or federal audit or review discovers. The department of job and family services shall timely notify the department of mental retardation and developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of mental retardation and developmental disabilities, shall cooperate fully with the department of job and family services and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(G)(1) If the department of mental retardation and developmental disabilities or department of job and family services determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(a) If the deficiency affects the health, safety, or welfare of an individual with mental retardation or other developmental disability, correct the deficiency within twenty-four hours;

(b) If the deficiency does not affect the health, safety, or welfare of an individual with mental retardation or other developmental disability, receive

technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

(2) If the county board fails to correct a deficiency within the time required by division (G)(1) of this section to the satisfaction of the department, or submit an acceptable plan of correction within the time required by division (G)(1)(b) of this section, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid managed care services, habilitation center services, all or part of two of those services, or all or part of all three of those services. The department shall provide a copy of the order to the board of county commissioners, probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division.

A county board whose medicaid local administrative authority is terminated may, no later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county board's medicaid local administrative authority is terminated. The department may contract with the other county board or entity to administer the services. If the department enters into such a 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.

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.

The contracting authority or administrative receiver shall develop and submit to the department a plan of correction to remediate the problems that caused the department to issue the termination order. If, after reviewing the plan, the department approves it, the contracting authority or administrative receiver shall implement the plan.

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.

The contracting authority or administrative receiver has the right to authorize the payment of bills in the same manner that the county board may authorize payment of bills under this chapter and section 319.16 of the Revised Code.

Sec. 5126.056. (A) A county board of mental retardation and developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services shall pay the nonfederal share of medicaid expenditures for such services provided to an individual with mental retardation or other developmental disability who the county board determines under section 5126.041 of the Revised Code is eligible for county board services unless division (C)(2) of section 5123.047 of the Revised Code requires the department of mental retardation and developmental disabilities to pay the nonfederal share.

A county board that has medicaid local administrative authority under

division (B) of section 5126.055 of the Revised Code for medicaid case management services shall pay the nonfederal share of medicaid expenditures for such services provided to an individual with mental retardation or other developmental disability who the county board determines under section 5126.041 of the Revised Code is eligible for county board services unless division (B)(2) of section 5123.047 of the Revised Code requires the department of mental retardation and developmental disabilities to pay the nonfederal share.

A county board shall pay the nonfederal share of medicaid expenditures for habilitation center services when required to do so by division (D) of section 5111.041 of the Revised Code.

(B) A county board may use the following funds to pay the nonfederal share of the services that the county board is required by division (A) of this section to pay:

(1) To the extent consistent with the levy that generated the taxes, the following taxes:

(a) Taxes levied pursuant to division (L) of section 5705.19 of the Revised Code and section 5705.222 of the Revised Code;

(b) Taxes levied under section 5705.191 of the Revised Code that the board of county commissioners allocates to the county board to pay the nonfederal share of the services.

(2) Funds that the department of mental retardation and developmental disabilities distributes to the county board under sections 5126.11, 5126.12, 5126.15, 5126.18, and 5126.44 of the Revised Code;

(3) Funds that the department allocates to the county board for habilitation center services provided under section 5111.041 of the Revised Code;

(4) Earned federal revenue funds the county board receives for medicaid services the county board provides pursuant to the county board's valid medicaid provider agreement.

(C) If by December 31, 2001, the United States secretary of health and human services approves at least five hundred more slots for home and community-based services for calendar year 2002 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.

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.

If by December 31, 2003, the United States secretary approves at least five hundred more slots for home and community-based services for calendar year 2004 than were available for calendar year 2003, each county board shall provide, by the last day of calendar year 2003 and each calendar year thereafter, assurances to the department that the county board will have for calendar year 2004 and each calendar year thereafter at least 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.

(D) Each year, each county board shall adopt a resolution specifying the amount of funds it will use in the next year to pay the nonfederal share of the services that the county board is required by division (A) of this section to pay. The amount specified shall be adequate to assure that the services will be available in the county in a manner that conforms to all applicable state and federal laws. A county board shall state in its resolution that the payment of the nonfederal share represents an ongoing financial commitment of the county board. A county board shall adopt the resolution in time for the county auditor to make the determination required by division (E) of this section.

(E) Each year, a county auditor shall determine whether the amount of funds a county board specifies in the resolution it adopts under division (D) of this section will be available in the following year for the county board to pay the nonfederal share of the services that the county board is required by division (A) of this section to pay. The county auditor shall make the determination not later than the last day of the year before the year in which the funds are to be used.

Sec. 5126.06. (A) Except as provided in division (B) of this section and section 5126.035 of the Revised Code, any person who has a complaint involving any of the programs, services, policies, or administrative practices of a county board of mental retardation and developmental disabilities or any of the entities under contract with the county board, may file a complaint with the board. Prior to commencing a civil action regarding the

complaint, a person shall attempt to have the complaint resolved through the administrative resolution process established in the rules adopted under section 5123.043 of the Revised Code. After exhausting the administrative resolution process, the person may commence a civil action if the complaint is not settled to the person's satisfaction.

(B) An employee of a county board may not file under this section a complaint related to the terms and conditions of employment of the employee.

Sec. 5126.071. (A) As used in this section, "minority business enterprise" has the meaning given in division (E)(1) of section 122.71 of the Revised Code.

(B) Any minority business enterprise that desires to bid on a contract under division (C) or (D) of this section shall first apply to the equal employment opportunity coordinator in the department of administrative services for certification as a minority business enterprise. The coordinator shall approve the application of any minority business enterprise that complies with the rules adopted under section 122.71 of the Revised Code. The coordinator shall prepare and maintain a list of minority business enterprises certified under this section.

(C) From the contracts to be awarded for the purchases of equipment, materials, supplies, insurance, and nonprogram services, other than contracts entered into and exempt under sections 307.86 and 5126.05 of the Revised Code, each county board of mental retardation and developmental disabilities shall select a number of contracts with an aggregate value of approximately fifteen per cent of the total estimated value of such contracts to be awarded in the current calendar year. The board shall set aside the contracts so selected for bidding by minority business enterprises only. The bidding procedures for such contracts shall be the same as for all other contracts awarded under section 307.86 of the Revised Code, except that only minority business enterprises certified and listed under division (B) of this section shall be qualified to submit bids. Contracts set aside and awarded under this section shall not include contracts for the purchase of ~~program~~ services such as direct and ancillary services, ~~or case management service and support administration~~, residential services, and family ~~resource~~ support services.

(D) To the extent that a board is authorized to enter into contracts for construction which are not exempt from the competitive bidding requirements of section 307.86 of the Revised Code, the board shall set aside a number of contracts the aggregate value of which equals approximately five per cent of the aggregate value of construction contracts

for the current calendar year for bidding by minority business enterprises only. The bidding procedures for the contracts set aside for minority business enterprises shall be the same as for all other contracts awarded by the board, except that only minority business enterprises certified and listed under division (B) of this section shall be qualified to submit bids.

Any contractor awarded a construction contract pursuant to this section shall make every effort to ensure that certified minority business subcontractors and ~~materialmen~~ materials suppliers participate in the contract. In the case of contracts specified in this division, the total value of subcontracts awarded to and materials and services purchased from minority businesses shall be at least ten per cent of the total value of the contract, wherever ~~possible~~ possible and whenever the contractor awards subcontracts or purchases materials or services.

(E) In the case of contracts set aside under divisions (C) and (D) of this section, if no bid is submitted by a minority business enterprise, the contract shall be awarded according to normal bidding procedures. The board shall from time to time set aside such additional contracts as are necessary to replace those contracts previously set aside on which no minority business enterprise bid.

(F) This section does not preclude any minority business enterprise from bidding on any other contract not specifically set aside for minority business enterprises.

(G) Within ninety days after the beginning of each calendar year, each county board of mental retardation and developmental disabilities shall file a report with the department of mental retardation and developmental disabilities that shows for that calendar year the name of each minority business enterprise with which the board entered into a contract, the value and type of each such contract, the total value of contracts awarded under divisions (C) and (D) of this section, the total value of contracts awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under the exemptions of sections 307.86 and 5126.05 of the Revised Code, and the total value of contracts entered into for construction.

(H) Any person who intentionally misrepresents ~~himself~~ that person as owning, controlling, operating, or participating in a minority business enterprise for the purpose of obtaining contracts or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 5126.08. (A) The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised

Code for all programs and services offered by a county board of mental retardation and developmental disabilities. Such rules shall include, but are not limited to, the following:

- (1) Determination of what constitutes a program or service;
- (2) Standards to be followed by a board in administering, providing, arranging, or operating programs and services;
- (3) Standards for determining the nature and degree of mental retardation, including mild mental retardation, or developmental disability;
- (4) Standards for determining eligibility for programs and services under sections 5126.042 and 5126.15 of the Revised Code;
- (5) Procedures for obtaining consent for the arrangement of services under section 5126.31 of the Revised Code and for obtaining signatures on individual service plans under that section;
- (6) Specification of the ~~ease management services~~ service and support administration to be provided by a county board and standards for resolving grievances in connection with ~~ease management services~~ service and support administration;
- (7) Standards for the provision of environmental modifications, including standards that require adherence to all applicable state and local building codes;
- (8) Standards for the provision of specialized medical, adaptive, and assistive equipment, supplies, and supports.

(B) The director shall be the final authority in determining the nature and degree of mental retardation or developmental disability.

Sec. 5126.11. (A) As used in this section, "respite care" means appropriate, short-term, temporary care that is provided to a mentally retarded or developmentally disabled person to sustain the family structure or to meet planned or emergency needs of the family.

(B) Subject to rules adopted by the director of mental retardation and developmental disabilities, and subject to the availability of money from state and federal sources, the county board of mental retardation and developmental disabilities shall establish a family support services program. Under such a program, the board shall make payments to an individual with mental retardation or other developmental disability or the family of an individual with mental retardation or other developmental disability who desires to remain in and be supported in the family home. Payments shall be made for all or part of costs incurred or estimated to be incurred for services that would promote self-sufficiency and normalization, prevent or reduce inappropriate institutional care, and further the unity of the family by enabling the family to meet the special needs of the individual and to live as

much like other families as possible. Payments may be made in the form of reimbursement for expenditures or in the form of vouchers to be used to purchase services.

(C) Payment shall not be made under this section to an individual or the individual's family if the individual is living in a residential facility that is providing residential services under contract with the department of mental retardation and developmental disabilities or a county board.

(D) Payments may be made for the following services:

(1) Respite care, in or out of the home;

(2) Counseling, supervision, training, and education for of the individual, the individual's caregivers, and members of the individual's family that aid the family in providing proper care for the individual and, provide for the special needs of the family, and assist in all aspects of the individual's daily living;

(3) Special diets, purchase or lease of special equipment, or modifications of the home, if such diets, equipment, or modifications are necessary to improve or facilitate the care and living environment of the individual;

(4) Providing support necessary for the individual's continued skill development, including such services as development of interventions to cope with unique problems that may occur within the complexity of the family, enrollment of the individual in special summer programs, provision of appropriate leisure activities, and other social skills development activities;

(5) Any other services that are consistent with the purposes specified in division (B) of this section and specified in the individual's service plan.

(E) In order to be eligible for payments under a family support services program, the individual or the individual's family must reside in the county served by the county board, and the individual must be in need of habilitation. Payments shall be adjusted for income in accordance with the payment schedule established in rules adopted under this section. Payments shall be made only after the county board has taken into account all other available assistance for which the individual or family is eligible.

(F) Before incurring expenses for a service for which payment will be sought under a family support services program, the individual or family shall apply to the county board for a determination of eligibility and approval of the service. The service need not be provided in the county served by the county board. After being determined eligible and receiving approval for the service, the individual or family may incur expenses for the service or use the vouchers received from the county board for the purchase

of the service.

If the county board refuses to approve a service, an appeal may be made in accordance with rules adopted by the department under this section.

(G) To be reimbursed for expenses incurred for approved services, the individual or family shall submit to the county board a statement of the expenses incurred accompanied by any evidence required by the board. To redeem vouchers used to purchase approved services, the entity that provided the service shall submit to the county board evidence that the service was provided and a statement of the charges. The county board shall make reimbursements and redeem vouchers no later than forty-five days after it receives the statements and evidence required by this division.

(H) A county board shall consider the following objectives in carrying out a family support services program:

(1) Enabling individuals to return to their families from an institution under the jurisdiction of the department of mental retardation and developmental disabilities;

(2) Enabling individuals found to be subject to institutionalization by court order under section 5123.76 of the Revised Code to remain with their families with the aid of payments provided under this section;

(3) Providing services to eligible children and adults currently residing in the community;

(4) Providing services to individuals with developmental disabilities who are not receiving other services from the board.

(I) The director shall adopt, and may amend and rescind, rules for the implementation of family support services programs by county boards. Such rules shall include the following:

(1) A payment schedule adjusted for income;

(2) A formula for distributing to county boards the money appropriated for family support services;

(3) Standards for supervision, training, and quality control in the provision of respite care services;

(4) Eligibility standards and procedures for providing temporary emergency respite care;

(5) Procedures for hearing and deciding appeals made under division (F) of this section;

(6) Requirements to be followed by county boards regarding reports submitted under division (K) of this section.

Rules adopted under divisions (I)(1) and (2) of this section shall be adopted in accordance with section 111.15 of the Revised Code. Rules adopted under divisions (I)(3) to (6) of this section shall be adopted in

accordance with Chapter 119. of the Revised Code.

(J) All individuals certified by the superintendent of the county board as eligible for temporary emergency respite care in accordance with rules adopted under this section shall be considered eligible for temporary emergency respite care for not more than five days to permit the determination of eligibility for family support services. The requirements of divisions (E) and (F) of this section do not apply to temporary emergency respite care.

(K) On the first day of July of each year, the department of mental retardation and developmental disabilities shall distribute to county boards money appropriated for family support services. A county board shall use no more than seven per cent of the funds for administrative costs. Each county board shall submit reports to the department on payments made under this section. The reports shall be submitted at those times and in the manner specified in rules adopted under this section.

(L) The county board shall not be required to make payments for family support services at a level that exceeds available state and federal funds for such payments.

Sec. 5126.12. (A) As used in this section:

(1) "Approved school age ~~unit~~ class" means a class ~~or unit~~ operated by a county board of mental retardation and developmental disabilities and ~~approved~~ funded by the ~~state board~~ department of education under ~~division (D) of section 3317.05~~ 3317.20 of the Revised Code.

(2) "Approved preschool unit" means a class or unit operated by a county board of mental retardation and developmental disabilities and approved by the state board of education under division (B) of section 3317.05 of the Revised Code.

(3) "Active treatment" means a continuous treatment program, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services, and related services, that is directed toward the acquisition of behaviors necessary for an individual with mental retardation or other developmental disability to function with as much self-determination and independence as possible and toward the prevention of deceleration, regression, or loss of current optimal functional status.

(4) "Eligible for active treatment" means that an individual with mental retardation or other developmental disability resides in an intermediate care facility for the mentally retarded certified under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended; resides in a state institution operated by the department of mental retardation and

developmental disabilities; or is enrolled in a home and community-based services waiver program administered by the department of mental retardation and developmental disabilities as part of the medical assistance program established under section 5111.01 of the Revised Code.

(5) "Community alternative funding system" means the program under which habilitation center services are reimbursed under the ~~medical assistance~~ medicaid program pursuant to section 5111.041 of the Revised Code and rules adopted under that section.

~~(6) "Community employment program" means community employment services provided outside of a sheltered workshop setting under which the person earns competitive wages for the performance of work.~~

~~(7)~~ "Traditional adult services" means vocational and nonvocational activities conducted within a sheltered workshop or adult activity center or supportive home services.

(B) Each county board of mental retardation and developmental disabilities shall certify to the director of mental retardation and developmental disabilities all of the following:

(1) On or before the fifteenth day of October, the average daily membership for the first full week of programs and services during October receiving:

(a) Early childhood services provided pursuant to section 5126.05 of the Revised Code for children who are less than three years of age on the thirtieth day of September of the academic year;

(b) Special education for handicapped children in approved school age ~~units~~ classes;

(c) Adult services for persons sixteen years of age and older operated pursuant to section 5126.05 and division (B) of section 5126.051 of the Revised Code. Separate counts shall be made for the following:

(i) Persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment under the community alternative funding system;

(ii) Persons enrolled in traditional adult services who are eligible for and enrolled in active treatment under the community alternative funding system;

(iii) Persons enrolled in traditional adult services but who are not eligible for active treatment under the community alternative funding system;

(iv) Persons participating in community employment services. To be counted as participating in community employment services, a person must have spent an average of no less than ten hours per week in that employment

during the preceding six months.

(d) Other programs in the county for individuals with mental retardation and developmental disabilities that have been approved for payment of subsidy by the department of mental retardation and developmental disabilities.

The membership in each such program and service in the county shall be reported on forms prescribed by the department of mental retardation and developmental disabilities.

The department of mental retardation and developmental disabilities shall adopt rules defining full-time equivalent enrollees and for determining the average daily membership therefrom, except that certification of average daily membership in approved school age ~~units~~ classes shall be in accordance with rules adopted by the state board of education. The average daily membership figure shall be determined by dividing the amount representing the sum of the number of enrollees in each program or service in the week for which the certification is made by the number of days the program or service was offered in that week. No enrollee may be counted in average daily membership for more than one program or service.

(2) By the fifteenth day of December, the number of children enrolled in approved preschool units on the first day of December;

(3) On or before the thirtieth day of March, an itemized report of all income and operating expenditures for the immediately preceding calendar year, in the format specified by the department of mental retardation and developmental disabilities;

(4) By the fifteenth day of February, a report of the total annual cost per enrollee for operation of programs and services in the preceding calendar year. The report shall include a grand total of all programs operated, the cost of the individual programs, and the sources of funds applied to each program.

(5) That each required certification and report is in accordance with rules established by the department of mental retardation and developmental disabilities and the state board of education for the operation and subsidization of the programs and services.

(C) To compute payments under this section to the board for the fiscal year, the department of mental retardation and developmental disabilities shall use the certification of average daily membership required by division (B)(1) of this section exclusive of the average daily membership in any approved school age ~~unit~~ class and the number in any approved preschool unit.

(D) The department shall pay each county board for each fiscal year an

amount equal to nine hundred fifty dollars times the certified number of persons who on the first day of December of the academic year are under three years of age and are not in an approved preschool unit. For persons who are at least age sixteen and are not in an approved school age ~~unit~~ class, the department shall pay each county board for each fiscal year the following amounts:

(1) One thousand dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment under the community alternative funding system;

(2) One thousand two hundred dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for and enrolled in active treatment under the community alternative funding system;

(3) No less than one thousand five hundred dollars times the certified average daily membership of persons enrolled in traditional adult services but who are not eligible for active treatment under the community alternative funding system;

(4) No less than one thousand five hundred dollars times the certified average daily membership of persons participating in community employment services.

(E) The department shall distribute this subsidy to county boards in semiannual installments of equal amounts. The installments shall be made not later than the thirty-first day of August and the thirty-first day of January.

(F) The director of mental retardation and developmental disabilities shall make efforts to obtain increases in the subsidies for early childhood services and adult services so that the amount of the subsidies is equal to at least fifty per cent of the statewide average cost of those services minus any applicable federal reimbursements for those services. The director shall advise the director of budget and management of the need for any such increases when submitting the biennial appropriations request for the department.

(G) In determining the reimbursement of a county board for the provision of ~~ease management and~~ service and support administration, family support services, and other services required or approved by the director for which children three through twenty-one years of age are eligible, the department shall include the average daily membership in approved school age or preschool units. The department, in accordance with this section and upon receipt and approval of the certification required by

this section and any other information it requires to enable it to determine a board's payments, shall pay the agency providing the specialized training the amounts payable under this section.

Sec. 5126.14. The entity responsible for the habilitation management included in adult day habilitation services the program management included in, residential services, and the program management included in supported living shall provide administrative oversight by doing all of the following:

(A) Having available supervisory personnel to monitor and ensure implementation of all interventions in accordance with every individual service plan implemented by the staff who work with the individuals receiving the services;

(B) Providing appropriate training and technical assistance for all staff who work with the individuals receiving services;

(C) Communicating with service and support administration staff for the purpose of coordinating activities to ensure that services are provided to individuals in accordance with individual service plans and intended outcomes;

(D) Monitoring for major unusual incidents and cases of abuse, neglect, or exploitation involving the individual under the care of staff who are providing the services; taking immediate actions as necessary to maintain the health, safety, and welfare of the individuals receiving the services; and providing notice of major unusual incidents and suspected cases of abuse, neglect, or exploitation to the investigative agent for the county board of mental retardation and developmental disabilities;

(E) Performing other administrative duties as required by state or federal law or by the county board of mental retardation and developmental disabilities through contracts with providers.

Sec. 5126.15. (A) A county board of mental retardation and developmental disabilities shall provide ~~the case management services specified in rules adopted by the department of mental retardation and developmental disabilities under section 5126.08 of the Revised Code to individuals who are eligible for other programs and services. A county board shall make determinations of eligibility for case management services in accordance with standards established in rules adopted by the department under section 5126.08 of the Revised Code.~~

~~vices and shall show no preference toward any provider.~~

~~(B) A county board may provide case management services directly or by contracting for the provision of services with other public or private, nonprofit or profit-making agencies or organizations. The county board or the agency or organization with which the board contracts for case management services shall establish a separate service unit for case management, responsible directly to the superintendent of the county board and independent of all other programs of the county board, agency, or organization.~~

~~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.~~

~~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.~~

~~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.~~

~~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 establish a clear policy regarding the relationships between the case managers and the boards, agencies, or organizations that are parties to the agreement.~~

~~(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.~~

~~(D)~~ (B) The individuals employed by or under contract with a board to provide service and support administration shall do all of the following:

(1) Establish an individual's eligibility for the services of the county board of mental retardation and developmental disabilities;

(2) Assess individual needs for services;

(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;

(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs;

(5) Assist individuals in making selections from among the providers they have chosen;

(6) Ensure that services are effectively coordinated and provided by appropriate providers;

(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 individual;

(8) Perform quality assurance reviews as a distinct function of service and support administration;

(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual;

(10) Ensure that each individual receiving services has a designated person who is responsible on a continuing basis for providing the individual with representation, advocacy, advice, and assistance related to the day-to-day coordination of services in accordance with the individual's service plan. The service and support administrator shall give the individual receiving services an opportunity to designate the person to provide daily representation. If the individual declines to make a designation, the administrator shall make the designation. In either case, the individual receiving services may change at any time the person designated to provide daily representation.

(C) Subject to available funds, the department of mental retardation and developmental disabilities shall pay a county board an annual subsidy for

~~ease management services if the ratio of the board's average daily membership certified under section 5126.12 of the Revised Code to the number of case managers employed by the board is at least equal to the minimum ratio specified in rules the Department shall adopt in accordance with Chapter 119. of the Revised Code~~ service and support administration. The amount of the subsidy shall be equal to the greater of twenty thousand dollars or two hundred dollars times the board's certified average daily membership. The payments shall be made in semiannual installments, which shall be made no later than the thirty-first day of August and the thirty-first day of January. Funds received shall be used solely for ~~ease management services~~ service and support administration.

Sec. 5126.16. As used in sections 5126.16 to 5126.18 of the Revised Code:

(A) "Taxable value" means the total taxable value of real and public utility property and of tangible personal property in a county as shown on the county auditor's tax lists.

(B) "Taxes" means the total taxes levied pursuant to division (L) of section 5705.19 of the Revised Code or pursuant to that section and section 5705.222, as shown on the preceding year's tax lists of real and public utility property and tangible personal property, after making the reductions required by section 319.301 of the Revised Code.

(C) "Enrollment" means a county board of mental retardation and developmental disabilities' average daily membership of programs and services as certified under divisions (B)(1)(a), (b), and (c) and (B)(2) of section 5126.12 of the Revised Code, exclusive of individuals who are served solely through ~~ease management~~ service and support administration provided pursuant to section 5126.15 of the Revised Code or family support services provided pursuant to ~~sections~~ section 5126.11 and 5126.15 of the Revised Code.

(D) "Effective tax rate" for a county board means a fraction, the numerator of which is the county board's taxes and the denominator of which is the county board's taxable value.

(E) "Local revenue factor" means a county board's taxes divided by the lesser of the aggregate rate of tax authorized to be levied by the board of county commissioners pursuant to division (L) of section 5705.19 and section 5705.222 of the Revised Code or the aggregate rate of tax authorized pursuant to that division and that section and certified to the county auditor under section 319.30 of the Revised Code.

(F) "Hypothetical local revenue per enrollee" means the quotient obtained by dividing a county board's local revenue factor by its enrollment.

(G) "Hypothetical statewide average revenue per enrollee" means the quotient obtained by dividing the sum of all county boards' local revenue factors by the total enrollment of all county boards.

(H) "Infant and adult enrollment" means a county board of mental retardation and developmental disabilities' total average daily membership of programs and services as certified under divisions (B)(1)(a) and (c) of section 5126.12 of the Revised Code, exclusive of individuals who are served solely through ease management service and support administration provided pursuant to section 5126.15 of the Revised Code or family support services provided pursuant to ~~sections~~ section 5126.11 ~~and 5126.15~~ of the Revised Code.

Sec. 5126.18. (A) The department of mental retardation and developmental disabilities ~~may~~ shall pay to each county board of mental retardation and developmental disabilities whose hypothetical local revenue per enrollee is less than the hypothetical statewide average revenue per enrollee the amount computed under division (B) of this section. ~~If this section is implemented in any year, payments~~ Payments shall be made on or before the thirtieth day of September.

(B) Except as provided in division (C) of this section, the amount to be paid to a county board shall be equal to the following:

(1) If the county board's effective tax rate is equal to or greater than one mill, the product obtained by multiplying the following two quantities:

(a) The amount by which the hypothetical statewide average revenue per enrollee exceeds the county board's hypothetical local revenue per enrollee;

(b) The county board's infant and adult enrollment.

(2) If the county board's effective tax rate is less than one mill, the product obtained by multiplying the following three quantities:

(a) The amount by which the hypothetical statewide average revenue per enrollee exceeds the county board's hypothetical local revenue per enrollee;

(b) The county board's infant and adult enrollment;

(c) The quotient obtained by dividing the county board's effective tax rate by one mill.

(C)(1) For each individual who is enrolled in active treatment under the community alternative funding system as defined in section 5126.12 of the Revised Code, the department may reduce the portion of the payment made under this section for that individual by fifty per cent or less.

(2) If, in any year, an appropriation by the general assembly to the department for purposes of this section is less than the total amount required

to make, in full, the payments as determined under and authorized by this section, the department shall pay each county board the same percentage of the board's payment as determined under this section without regard to this division that the amount of the appropriation available for purposes of this section is of the total amount of payments as determined under this section without regard to this division.

(3) Payments made to a county board pursuant to this section shall not exceed thirty per cent of the payments made to that board pursuant to section 5126.12 of the Revised Code.

(D) Payments made under this section are supplemental to all other state or federal funds for which county boards are eligible and shall be made from funds appropriated for purposes of this section. The A county board shall use the payments shall be used solely for the development and implementation of early intervention services for individuals included in the board's infant enrollment and adult services for individuals included in the board's adult enrollment to pay the nonfederal share of medicaid expenditures that division (A) of section 5126.056 of the Revised Code requires the county board to pay.

(E) Each county board that receives a payment under this section shall, for each year it receives a payment, certify to the department that it will make a good faith effort to obtain revenues, including federal funds, for services to individuals included in its infant and adult enrollment.

Sec. 5126.19. (A) The director of mental retardation and developmental disabilities may grant temporary funding from the community mental retardation and developmental disabilities trust fund to a county board of mental retardation and developmental disabilities. With the consent of the county board, the director may distribute all or part of the funding directly to the persons who provide the services for which the funding is granted.

(B) Funding granted under this section shall be granted according to the availability of moneys in the fund and priorities established by the director. Funding may be granted for any of the following purposes:

(1) Behavioral or short-term interventions for persons with mental retardation or developmental disabilities that assist them in remaining in the community by preventing institutionalization;

(2) Emergency respite care services, as defined in section 5126.11 of the Revised Code;

(3) Family support services provided under section 5126.11 of the Revised Code;

(4) Supported living, as defined in section 5126.01 of the Revised Code;

(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;

(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~~ service and support administration 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;

(7) Contracts with providers of residential services to maintain persons with mental retardation and developmental disabilities in their programs and avoid institutionalization.

(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 total amount distributed for the services that the county board received in the immediately preceding state fiscal year.

Sec. 5126.20. As used in this section and sections 5126.21 to 5126.29 of the Revised Code:

(A) "Service employee" means a person employed by a county board of mental retardation and developmental disabilities in a position which may require evidence of registration under section 5126.25 of the Revised Code but for which a bachelor's degree from an accredited college or university is not required, and includes employees in the positions listed in division (C) of section 5126.22 of the Revised Code.

(B) "Professional employee" means a person employed by a board in a position for which either a bachelor's degree from an accredited college or university or a license or certificate issued under Title XLVII of the Revised Code is a minimum requirement, except in the case of a person employed as a conditional status service and support administrator for which an appropriate associate degree is the minimum requirement, and includes employees in the positions listed in division (B) of section 5126.22 of the Revised Code.

(C) "Management employee" means a person employed by a board in a

position having supervisory or managerial responsibilities and duties, and includes employees in the positions listed in division (A) of section 5126.22 of the Revised Code.

(D) "Limited contract" means a contract of limited duration which is renewable at the discretion of the superintendent.

(E) "Continuing contract" means a contract of employment that was issued prior to June 24, 1988, to a classified employee under which the employee has completed ~~his~~ the employee's probationary period and under which ~~he~~ the employee retains ~~his~~ employment until ~~he~~ the employee retires or resigns, is removed pursuant to section 5126.23 of the Revised Code, or is laid off.

(F) "Supervisory responsibilities and duties" includes the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees of the board; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature but requires the use of independent judgment.

(G) "Managerial responsibilities and duties" includes formulating policy on behalf of the board, responsibly directing the implementation of policy, assisting in the preparation for the conduct of collective negotiations, administering collectively negotiated agreements, or having a major role in personnel administration.

(H) "Investigative agent" means an individual who conducts investigations under section 5126.313 of the Revised Code.

Sec. 5126.22. (A) Employees who hold the following positions in a county board of mental retardation and developmental disabilities are management employees:

- assistant superintendent
- director of business
- director of personnel
- adult services director
- workshop director
- habilitation manager
- director of residential services
- principal (director of children services)
- program or service supervisor
- plant manager
- production manager
- ~~case management service and support administration supervisor~~
- investigative agent

confidential employees as defined in section 4117.01 of the Revised Code

positions designated by the director of mental retardation and developmental disabilities as having managerial or supervisory responsibilities and duties

positions designated by the county board in accordance with division (D) of this section.

(B) Employees who hold the following positions in a board are professional employees:

personnel certified pursuant to Chapter 3319. of the Revised Code

early intervention specialist

physical development specialist

habilitation specialist

work adjustment specialist

placement specialist

vocational evaluator

psychologist

occupational therapist

speech and language pathologist

recreation specialist

behavior management specialist

physical therapist

supportive home services specialist

licensed practical nurse or registered nurse

rehabilitation counselor

doctor of medicine and surgery or of osteopathic medicine and surgery

dentist

~~ease manager~~ service and support administrator

conditional status service and support administrator

social worker

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

professional positions designated by the director

professional positions designated by the county board in accordance with division (D) of this section.

(C) Employees who hold positions in a board that are neither management positions nor professional positions are service employees. Service employee positions include:

workshop specialist
workshop specialist assistant
contract procurement specialist
community employment specialist

any assistant to a professional employee certified to provide, or supervise the provision of, adult services or ~~ease-management~~ service and support administration

service positions designated by the director

service positions designated by a county board in accordance with division (D) of this section.

(D) A county board may designate a position only if the position does not include directly providing, or supervising employees who directly provide, service or instruction to individuals with mental retardation or developmental disabilities.

(E) If a county board desires to have a position established that is not specifically listed in this section that includes directly providing, or supervising employees who directly provide, services or instruction to individuals with mental retardation or developmental disabilities, the board shall submit to the director a written description of the position and request that the director designate the position as a management, professional, or service position under this section. The director shall consider each request submitted under this division and respond within thirty days. If the director approves the request, ~~he~~ the director shall designate the position as a management, professional, or service position.

(F) A county board shall not terminate its employment of any management, professional, or service employee solely because a position is added to or eliminated from those positions listed in this section or because a position is designated or no longer designated by the director or a county board.

Sec. 5126.221. Each county board of mental retardation and developmental disabilities shall employ at least one investigative agent or contract with a person or government entity, including another county board of mental retardation and developmental disabilities or a regional council established under section 5126.13 of the Revised Code, for the services of an investigative agent. Neither a county board nor a person or government entity with which a county board contracts for the services of an investigative agent shall assign any duties to an investigative agent other than conducting investigations under section 5126.313 of the Revised Code.

ntendent. No investigative agent shall do anything that interferes with the investigative agent's objectivity in conducting investigations under section 5126.313 of the Revised Code.

Sec. 5126.25. (A) The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code establishing uniform standards and procedures for the certification of persons for employment by county boards of mental retardation and developmental disabilities as superintendents, management employees, and professional 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.

The director shall adopt the rules in a manner that provides for the issuance of certificates and evidence of registration according to categories, levels, and grades. The rules shall describe each category, level, and grade.

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.

(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.

(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 prescribe and provide. The application shall be accompanied by the application fee established in rules adopted under this section.

(D) The director shall issue a certificate for employment to each applicant who meets the standards for certification established under this section and shall issue evidence of registration for employment to each applicant who meets the standards for registration established under this section. Each certificate or evidence of registration shall state the category, level, and grade for which it is issued.

The director shall issue, renew, deny, suspend, or revoke certificates and 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 the applicant for or holder of the certificate or evidence of registration is guilty of intemperate, immoral, or other conduct unbecoming to the applicant's or holder's position, or is guilty of incompetence or negligence within the scope of the applicant's or holder's duties. The director shall deny or revoke a certificate or evidence of registration if the director finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant for or holder of the certificate or evidence of registration has been convicted of or pleaded guilty to any of the offenses described in division (E) of section 5126.28 of the Revised Code, unless the individual meets standards for rehabilitation that the director establishes in the rules adopted under that section. Evidence supporting such allegations shall be presented to the director in writing and the director shall provide prompt notice of the allegations to the person who is the subject of the allegations. A denial, suspension, or revocation may be appealed in accordance with procedures the director shall establish in the rules adopted under this section.

(E)(1) A person holding a valid certificate under this section on the effective date of any rules adopted under this section that increase

certification standards shall have such period as the rules prescribe, but not less than one year after the effective date of the rules, to meet the new certification standards.

A person who is registered under this section on the effective date of any rule that changes the standards adopted under this section shall have such period as the rules prescribe, but not less than one year, to meet the new registration standards.

(2) If an applicant for a certificate for employment has not completed the courses of instruction necessary to meet the department's standards for certification, the department shall inform the applicant of the courses the applicant must successfully complete to meet the standards and shall specify the time within which the applicant must complete the courses. The department shall grant the applicant at least one year to complete the courses and shall not require the applicant to complete more than four courses in any one year. The applicant is not subject to any changes regarding the courses required for certification that are made after the department informs the applicant of the courses the applicant must complete, unless the applicant does not successfully complete the courses within the time specified by the department.

(F) A person who holds a certificate or evidence of registration, other than one designated as temporary, is qualified to be employed according to that certificate or evidence of registration by any county board.

(G) The director shall monitor county boards to ensure that their employees who must be certified or registered are appropriately certified or registered and performing those functions they are authorized to perform under their certificate or evidence of registration.

(H) A county board superintendent or the superintendent's designee may certify to the director that county board employees who are required to meet continuing education or professional training requirements as a condition of renewal of certificates or evidence of registration have met the requirements. The superintendent or the superintendent's designee shall maintain in appropriate personnel files evidence acceptable to the director that the employees have met the requirements and permit representatives of the department access to the evidence on request.

(I) All fees collected pursuant to this section shall be deposited in the state treasury to the credit of the employee certification and registration fund, which is hereby created. Money credited to the fund shall be used solely for the operation of the certification and registration program established under this section and for providing continuing training to county board employees.

(J) Employees of entities that contract with county boards of mental retardation and developmental disabilities to operate programs and services for individuals with mental retardation and developmental disabilities are subject to the certification and registration requirements established under section 5123.082 of the Revised Code.

Sec. 5126.31. (A) A county board of mental retardation and developmental disabilities shall review reports of abuse and neglect made under section 5123.61 of the Revised Code and reports referred to it under section 5101.611 of the Revised Code to determine whether the person who is the subject of the report is an adult with mental retardation or a developmental disability in need of services to deal with the abuse or neglect. The board shall give notice of each report to the registry office of the department of mental retardation and developmental disabilities established pursuant to section 5123.61 of the Revised Code on the first working day after receipt of the report. If the report alleges that there is a substantial risk to the adult of immediate physical harm or death, the board shall initiate review within twenty-four hours of its receipt of the report. If the board determines that the person is sixty years of age or older but does not have mental retardation or a developmental disability, it shall refer the case to the county department of job and family services. If the board determines that the person is an adult with mental retardation or a developmental disability, it shall continue its review of the case.

(B) For each review over which the board retains responsibility under division (A) of this section, it shall do all of the following:

(1) Give both written and oral notice of the purpose of the review to the adult and, if any, to the adult's legal counsel or caretaker, in simple and clear language;

(2) Visit the adult, in the adult's residence if possible, and explain the notice given under division (B)(1) of this section;

(3) Request from the registry office any prior reports concerning the adult or other principals in the case;

(4) Consult, if feasible, with the person who made the report under section 5101.61 or 5123.61 of the Revised Code and with any agencies or persons who have information about the alleged abuse or neglect;

(5) Cooperate fully with the law enforcement agency responsible for investigating the report and for filing any resulting criminal charges and, on request, turn over evidence to the agency;

(6) Determine whether the adult needs services, and prepare a written report stating reasons for the determination. No adult shall be determined to be abused, neglected, or in need of services for the sole reason that, in lieu

of medical treatment, the adult relies on or is being furnished spiritual treatment through prayer alone in accordance with the tenets and practices of a church or religious denomination of which the adult is a member or adherent.

(C) The board shall arrange for the provision of services for the prevention, correction or discontinuance of abuse or neglect or of a condition resulting from abuse or neglect for any adult who has been determined to need the services and consents to receive them. These services may include, but are not limited to, ~~case management service and support administration~~, fiscal management, medical, mental health, home health care, homemaker, legal, and residential services and the provision of temporary accommodations and necessities such as food and clothing. The services do not include acting as a guardian, trustee, or protector as defined in section 5123.55 of the Revised Code. If the provision of residential services would require expenditures by the department of mental retardation and developmental disabilities, the board shall obtain the approval of the department prior to arranging the residential services.

To arrange services, the board shall:

(1) Develop an individualized service plan identifying the types of services required for the adult, the goals for the services, and the persons or agencies that will provide them;

(2) In accordance with rules established by the director of mental retardation and developmental disabilities, obtain the consent of the adult or the adult's guardian to the provision of any of these services and obtain the signature of the adult or guardian on the individual service plan. An adult who has been found incompetent under Chapter 2111. of the Revised Code may consent to services. If the board is unable to obtain consent, it may seek, if the adult is incapacitated, a court order pursuant to section 5126.33 of the Revised Code authorizing the board to arrange these services.

(D) The board shall ensure that the adult receives the services arranged by the board from the provider and shall have the services terminated if the adult withdraws consent.

(E) On completion of a review, the board shall submit a written report to the registry office established under section 5123.61 of the Revised Code. If the report includes a finding that a person with mental retardation or a developmental disability is a victim of action or inaction that may constitute a crime under federal law or the law of this state, the board shall submit the report to the law enforcement agency responsible for investigating the report. Reports prepared under this section are not public records as defined in section 149.43 of the Revised Code.

(F) The board shall provide comprehensive formal training for employees and other persons authorized to implement the requirements of this section.

Sec. 5126.311. ~~(A)~~ Notwithstanding the requirement of section 5126.31 of the Revised Code that a county board of mental retardation and developmental disabilities review reports of abuse and neglect, ~~if the department of mental retardation and developmental disabilities or a county board of mental retardation and developmental disabilities determines that it would be inappropriate for the county board to investigate a report of abuse or neglect made under section 5123.61 of the Revised Code, at the request of the department or county board,~~ one of the following government entities may, at the request of the county board or the department of mental retardation and developmental disabilities, shall review the report instead of the county board if circumstances specified in rules adopted under division (B) of this section exist:

~~(A)(1)~~ Another county board of mental retardation and developmental disabilities;

~~(B)(2)~~ The department;

~~(C)(3)~~ A regional council of government established pursuant to Chapter 167. of the Revised Code;

~~(D)(4)~~ Any other government entity authorized to investigate reports of abuse and neglect.

(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 it is inappropriate for a county board to review reports of abuse and neglect.

Sec. 5126.313. (A) After reviewing a report of abuse or neglect under section 5126.31 of the Revised Code or a report of a major unusual incident made in accordance with rules adopted under section 5123.612 of the Revised Code, a county board of mental retardation and developmental disabilities shall conduct an investigation if circumstances specified in rules adopted under division (B) of this section exist. If the circumstances specified in the rules exist, the county board shall conduct the investigation in the manner specified by the rules.

(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.

Sec. 5126.32. If during the course of the review conducted under section

5126.31 of the Revised Code or the investigation conducted under section 5126.313 of the Revised Code, any person denies or obstructs the board's access to the residence of the adult who is the subject of ~~a report of abuse or neglect~~ the review or investigation, the board may file a petition with the probate court of the county in which the residence is located for a temporary restraining order, in accordance with Civil Rule 65, to prevent the denial or obstruction of access. If the court finds reasonable cause to believe that the adult is abused or neglected and that access to ~~his~~ the adult's residence has been denied or obstructed, the court shall issue a temporary order restraining the interference or obstruction. After the order has been obtained, at the request of the board, an officer of the law enforcement agency investigating the report shall accompany representatives of the board to the adult's residence.

If a person refuses to allow or interferes with the provision of services described in division (C) of section 5126.31 of the Revised Code to an adult who has consented to them, the county board may file a petition with the probate court of the county in which the adult resides for appropriate injunctive relief in accordance with Civil Rule 65.

Sec. 5126.357. (A) As used in this section:

(1) "In-home care" means the supportive services provided within the home of an individual who receives funding for the services as a county board client, including any client who receives residential services funded through ~~the medical assistance program's home and~~ or community-based services ~~waivers administered by the department of mental retardation and developmental disabilities~~, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside a client's home in places incidental to the home, and while traveling to places incidental to the home, except that "in-home care" does not include care provided in the facilities of a county board of mental retardation and developmental disabilities or care provided in schools.

(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.

(3) "Unlicensed in-home care worker" means an individual who provides in-home care but is not a health care professional. A county board worker may be an unlicensed in-home care worker.

(4) "Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of the individual with mental retardation or a developmental disability if the individual with mental

etardation or developmental disabilities lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.

(B) Except as provided in division (D) of this section, a family member of an individual with mental retardation or a developmental disability may authorize an unlicensed in-home care worker to give or apply prescribed medication or perform other health care tasks as part of the in-home care provided to the individual, if the family member is the primary supervisor of the care and the unlicensed in-home care worker has been selected by the family member and is under the direct supervision of the family member. Sections 4723.62 and 5126.351 to 5126.356 of the Revised Code do not apply to the in-home care authorized by a family member under this section. Instead, a family member shall obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. The family member shall authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority. The family member shall provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional.

(C) A family member who authorizes an unlicensed in-home care worker to give or apply prescribed medication or perform other health care tasks retains full responsibility for the health and safety of the individual receiving the care and for ensuring that the worker provides the care appropriately and safely. No entity that funds or monitors the provision of in-home care may be held liable for the results of the care provided under this section by an unlicensed in-home care worker, including such entities as the county board of mental retardation and developmental disabilities, any other entity that employs an unlicensed in-home care worker, and the department of mental retardation and developmental disabilities.

An unlicensed in-home care worker who is authorized under this section by a family member to provide care to an individual may not be held liable for any injury caused in providing the care, unless the worker provides the care in a manner that is not in accordance with the training and instructions received or the worker acts in a manner that constitutes wanton or reckless misconduct.

(D) A county board of mental retardation and developmental disabilities may evaluate the authority granted by a family member under this section to an unlicensed in-home care worker at any time it considers necessary and shall evaluate the authority on receipt of a complaint. If the board

ermines 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:

(1) Procedures for ensuring that providers comply with section 5126.281 of the Revised Code;

(2) Methods of evaluating the services provided and protecting the due process rights of any individual or entity affected by an evaluation or decision made pursuant to this section;

(3) Procedures for revoking certification.

(D)(1) Providers shall be evaluated to ensure that services are provided in a quality manner advantageous to the individual receiving the services. When evaluations are conducted, the following shall be considered:

(a) The provider's experience and financial responsibility;

(b) The ability to comply with program standards for supported living;

(c) The ability to meet the needs of the individuals served;

~~(d) The ability to work cooperatively with the department, county boards, and other providers;~~

~~(e) Any other factor considered relevant.~~

(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.

(E) The department shall certify providers in accordance with the rules adopted under this section. The department may revoke a provider's certification in accordance with Chapter 119. of the Revised Code for good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the department determines is injurious to individuals being served.

Sec. 5139.01. (A) As used in this chapter:

(1) "Commitment" means the transfer of the physical custody of a child or youth from the court to the department of youth services.

(2) "Permanent commitment" means a commitment that vests legal custody of a child in the department of youth services.

(3) "Legal custody," insofar as it pertains to the status that is created when a child is permanently committed to the department of youth services, means a legal status in which the department has the following rights and responsibilities: the right to have physical possession of the child; the right and duty to train, protect, and control the child; the responsibility to provide the child with food, clothing, shelter, education, and medical care; and the right to determine where and with whom the child shall live, subject to the minimum periods of, or periods of, institutional care prescribed in section 2151.355 of the Revised Code; provided, that these rights and responsibilities are exercised subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child, and subject to any residual parental rights and responsibilities.

(4) Unless the context requires a different meaning, "institution" means a state facility that is created by the general assembly and that is under the management and control of the department of youth services or a private entity with which the department has contracted for the institutional care and custody of felony delinquents.

(5) "Full-time care" means care for twenty-four hours a day for over a period of at least two consecutive weeks.

(6) "Placement" means the conditional release of a child under the terms and conditions that are specified by the department of youth services. The department shall retain legal custody of a child released pursuant to division (C) of section 2151.38 of the Revised Code or division (C) of section 5139.06 of the Revised Code until the time that it discharges the child or until the legal custody is terminated as otherwise provided by law.

(7) "Home placement" means the placement of a child in the home of the child's parent or parents or in the home of the guardian of the child's

person.

(8) "Discharge" means that the department of youth services' legal custody of a child is terminated.

(9) "Release" means the termination of a child's stay in an institution and the subsequent period during which the child returns to the community under the terms and conditions of supervised release.

(10) "Delinquent child" has the same meaning as in section 2151.02 of the Revised Code.

(11) "Felony delinquent" means any child who is at least twelve years of age but less than eighteen years of age and who is adjudicated a delinquent child for having committed an act that if committed by an adult would be a felony. "Felony delinquent" includes any adult who is between the ages of eighteen and twenty-one and who is in the legal custody of the department of youth services for having committed an act that if committed by an adult would be a felony.

(12) "Juvenile traffic offender" has the same meaning as in section 2151.021 of the Revised Code.

(13) "Public safety beds" means all of the following:

(a) Felony delinquents who have been committed to the department of youth services for the commission of an act, other than a violation of section 2911.01 or 2911.11 of the Revised Code, that is a category one offense or a category two offense and who are in the care and custody of an institution or have been diverted from care and custody in an institution and placed in a community corrections facility;

(b) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution or a community corrections facility, are adjudicated delinquent children for having committed in that institution or community corrections facility an act that if committed by an adult would be a felony;

(c) Children who satisfy all of the following:

(i) They are at least twelve years of age but less than eighteen years of age.

(ii) They are adjudicated delinquent children for having committed acts that if committed by an adult would be a felony.

(iii) They are committed to the department of youth services by the juvenile court of a county that has had one-tenth of one per cent or less of the statewide adjudications for felony delinquents as averaged for the past four fiscal years.

(iv) They are in the care and custody of an institution or a community corrections facility.

(d) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution, commit in that institution an act that if committed by an adult would be a felony, who are serving disciplinary time for having committed that act, and who have been institutionalized or institutionalized in a secure facility for the minimum period of time specified in division (A)(4) or (5) of section 2151.355 of the Revised Code.

(e) Felony delinquents who are subject to and serving a three-year period of commitment order imposed by a juvenile court pursuant to division (A)(7) of section 2151.355 of the Revised Code for an act, other than a violation of section 2911.11 of the Revised Code, that would be a category one offense or category two offense if committed by an adult.

(f) Felony delinquents who are described in divisions (A)(13)(a) to (e) of this section, who have been granted a judicial release under division (B) of section 2151.38 of the Revised Code or an early release under division (C) of that section from the commitment to the department of youth services for the act described in divisions (A)(13)(a) to (e) of this section, who have violated the terms and conditions of that judicial release or early release, and who, pursuant to an order of the court of the county in which the particular felony delinquent was placed on release that is issued pursuant to division (D) of section 2151.38 of the Revised Code, have been returned to the department for institutionalization or institutionalization in a secure facility.

(g) Felony delinquents who have been committed to the custody of the department of youth services, who have been granted supervised release from the commitment pursuant to section 5139.51 of the Revised Code, who have violated the terms and conditions of that supervised release, and who, pursuant to an order of the court of the county in which the particular child was placed on supervised release issued pursuant to division (F) of section 5139.52 of the Revised Code, have had the supervised release revoked and have been returned to the department for institutionalization. A felony delinquent described in this division shall be a public safety bed only for the time during which the felony delinquent is institutionalized as a result of the revocation subsequent to the initial thirty-day period of institutionalization required by division (F) of section 5139.52 of the Revised Code.

(14) "State target youth" means twenty-five per cent of the projected total number of felony delinquents for each year of a biennium, factoring in revocations and recommitments.

(15) Unless the context requires a different meaning, "community corrections facility" means a county or multicounty rehabilitation center for felony delinquents who have been committed to the department of youth

services and diverted from care and custody in an institution and placed in the rehabilitation center pursuant to division (E) of section 5139.36 of the Revised Code.

(16) "Secure facility" means any facility that is designed and operated to ensure that all of its entrances and exits are under the exclusive control of its staff and to ensure that, because of that exclusive control, no child who has been institutionalized in the facility may leave the facility without permission or supervision.

(17) "Community residential program" means a program that satisfies both of the following:

(a) It is housed in a building or other structure that has no associated major restraining construction, including, but not limited to, a security fence.

(b) It provides twenty-four-hour care, supervision, and programs for felony delinquents who are in residence.

(18) "Category one offense" and "category two offense" have the same meanings as in section 2151.26 of the Revised Code.

(19) "Disciplinary time" means additional time that the department of youth services requires a felony delinquent to serve in an institution, that delays the felony delinquent's planned release, and that the department imposes upon the felony delinquent following the conduct of an internal due process hearing for having committed any of the following acts while committed to the department and in the care and custody of an institution:

(a) An act that if committed by an adult would be a felony;

(b) An act that if committed by an adult would be a misdemeanor;

(c) An act that is not described in division (A)(19)(a) or (b) of this section and that violates an institutional rule of conduct of the department.

(20) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.

(21) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code.

(22) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.

(23) "Supervised release" means the event of the release of a child under this chapter from an institution and the period after that release during which the child is supervised and assisted by an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community.

(24) "Victim" means the person identified in a police report, complaint,

or information as the victim of an act that would have been a criminal offense if committed by an adult and that provided the basis for adjudication proceedings resulting in a child's commitment to the legal custody of the department of youth services.

(25) "Victim's representative" means a member of the victim's family or another person whom the victim or another authorized person designates in writing, pursuant to section 5139.56 of the Revised Code, to represent the victim with respect to proceedings of the release authority of the department of youth services and with respect to other matters specified in that section.

(26) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, other relative, or legal guardian of a child but does not include a person charged with, convicted of, or adjudicated a delinquent child for committing a criminal or delinquent act against the victim or another criminal or delinquent act arising out of the same conduct, criminal or delinquent episode, or plan as the criminal or delinquent act committed against the victim.

(27) "Judicial release" means a release of a child from institutional care or institutional care in a secure facility that is granted by a court pursuant to division (B) of section 2151.38 of the Revised Code during the period specified in that division.

(28) "Early release" 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 2151.38 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 of the following:

(a) Delinquency prevention;

(b) Identification, detection, apprehension, and detention of persons charged with delinquent acts;

(c) Assistance to crime victims or witnesses, except that the comprehensive plan does not include the functions of the attorney general pursuant to sections 109.91 and 109.92 of the Revised Code;

(d) Adjudication or diversion of persons charged with delinquent acts;

(e) Custodial treatment of delinquent children;

(f) Institutional and noninstitutional rehabilitation of delinquent children.

(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.

The director is the chief executive and administrative officer of the department and has all the powers of a department head set forth in Chapter 121. of the Revised Code. The director may adopt rules for the government of the department, the conduct of its officers and employees, the performance of its business, and the custody, use, and preservation of the department's records, papers, books, documents, and property. The director shall be an appointing authority within the meaning of Chapter 124. of the Revised Code. Whenever this or any other chapter or section of the Revised Code imposes a duty on or requires an action of the department, the duty or action shall be performed by the director or, upon the director's order, in the name of the department.

Sec. 5139.11. The department of youth services shall do all of the following:

(A) Through a program of education, promotion, and organization, form groups of local citizens and assist these groups in conducting activities aimed at the prevention and control of juvenile delinquency, making use of

local people and resources for the following purposes:

(1) Combatting local conditions known to contribute to juvenile delinquency;

(2) Developing recreational and other programs for youth work;

(3) Providing adult sponsors for delinquent children cases;

(4) Dealing with other related problems of the locality;

(B) Advise local, state, and federal officials, public and private agencies, and lay groups on the needs for and possible methods of the reduction and prevention of juvenile delinquency and the treatment of delinquent children;

(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, and utilizing the recreational resources of a community as a means of combatting the problem of juvenile delinquency and effectuating rehabilitation;

(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;

(G) Assemble and distribute information relating to juvenile delinquency and report on studies relating to community conditions that affect the problem of juvenile delinquency;

(H) Assist any community within the state by conducting a comprehensive survey of the community's available public and private resources, and recommend methods of establishing a community program for combatting juvenile delinquency and crime, but no survey of that type shall be conducted unless local individuals and groups request it through their local authorities, and no request of that type shall be interpreted as binding the community to following the recommendations made as a result of the request;

(I) Evaluate the rehabilitation of children committed to the department and prepare and submit periodic reports to the committing court for the following purposes:

(1) Evaluating the effectiveness of institutional treatment;

(2) Making recommendations for early release where appropriate and recommending terms and conditions for release;

(3) Reviewing the placement of children and recommending alternative placements where appropriate.

(J) Coordinate dates for hearings to be conducted under section 2151.38 of the Revised Code and assist in the transfer and release of children from institutionalization to the custody of the committing court;

(K)(1) Coordinate and assist juvenile justice systems by doing the following:

(a) Performing juvenile justice system planning in the state, including any planning that is required by any federal law;

(b) Collecting, analyzing, and correlating information and data concerning the juvenile justice system in the state;

(c) Cooperating with and providing technical assistance to state departments, administrative planning districts, metropolitan county criminal justice services agencies, criminal justice coordinating councils, and agencies, offices, and departments of the juvenile justice system in the state, and other appropriate organizations and persons;

(d) Encouraging and assisting agencies, offices, and departments of the juvenile justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the department;

(e) Administering within the state any juvenile justice acts 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.

(j) Contracting with federal, state, and local agencies, foundations,

corporations, businesses, and persons when necessary to carry out the duties of the department:

(k) Overseeing the activities of metropolitan county criminal justice services agencies, administrative planning districts, and juvenile justice coordinating councils in the state;

(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;

(m) Preparing and recommending legislation to the general assembly and governor for the improvement of the juvenile justice system in the state;

(n) Assisting, advising, and making any reports that are required by the governor, attorney general, or general assembly;

(o) Adopting rules pursuant to Chapter 119. of the Revised Code.

(2) Division (K)(1) of this section does not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal and juvenile justice programs.

(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;

(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.

Sec. 5139.29. The department of youth services shall adopt and promulgate regulations prescribing the method of calculating the amount of and the time and manner for the payment of financial assistance granted under sections 5139.27, ~~and 5139.271, and 5139.28~~ of the Revised Code, for the construction or acquisition of a district detention home established under section 2151.34 of the Revised Code, or for the construction and maintenance of a school, forestry camp, or other facility established under section 2151.65 of the Revised Code.

Sec. 5139.31. The department of youth services may inspect any school, forestry camp, district detention home, or other facility for which an application for financial assistance has been made to the department under section 2151.341, 2151.3416, ~~or 2151.651, or 2151.652~~ of the Revised Code or for which financial assistance has been granted by the department under section 5139.27, 5139.271, ~~5139.28~~, or 5139.281 of the Revised Code. The inspection may include, but need not be limited to, examination and evaluation of the physical condition of the school, forestry camp, district detention home, or other facility, including any equipment used in connection with it; observation and evaluation of the training and treatment

of children admitted to it; examination and analysis and copying of any papers, records, or other documents relating to the qualifications of personnel, the commitment of children to it, and its administration.

Sec. 5139.87. There are hereby created in the state treasury the federal juvenile justice programs funds. A separate fund shall be established each federal fiscal year. All federal grants and other moneys received for federal juvenile programs shall be deposited into the funds. All receipts deposited into the funds shall be used for federal juvenile programs. All investment earnings on the cash balance in a federal juvenile program fund shall be credited to that fund for the appropriate federal fiscal year.

Sec. 5153.06. The county children services board may enter into a written contract with the board's executive director specifying terms and conditions of the executive director's employment. The executive director shall not be in the classified civil service. The period of the contract shall not exceed three years. Such a contract shall in no way abridge the right of the county children services board to terminate the employment of the executive director as an unclassified employee at will, but may specify terms and conditions for any such termination.

Sec. 5153.16. (A) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the department 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 shall do all of the following:

(1) Make an investigation concerning any child alleged to be an abused, neglected, or dependent child;

(2) Enter into agreements with the parent, guardian, or other person having legal custody of any child, or with the department of job and family services, department of mental health, department of mental retardation and developmental disabilities, other department, any certified organization within or outside the county, or any agency or institution outside the state, having legal custody of any child, with respect to the custody, care, or placement of any child, or with respect to any matter, in the interests of the child, provided the permanent custody of a child shall not be transferred by a parent to the public children services agency without the consent of the juvenile court;

(3) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction;

(4) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service;

(5) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child;

(6) Make available to the bureau for children with medical handicaps of the department of health at its request any information concerning a crippled child found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency;

(7) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment;

(8) Find certified foster homes, within or outside the county, for the care of children, including handicapped children from other counties attending special schools in the county;

(9) Subject to the approval of the board of county commissioners and the state department of job and family services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision;

(10) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the temporary care of children, or procure certified foster homes for this purpose;

(11) Enter into an agreement with the trustees of any district children's home, respecting the operation of the district children's home in cooperation with the other county boards in the district;

(12) Cooperate with, make its services available to, and act 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 county commissioners under section 307.983 of the Revised Code and comply with the partnership agreement the board enters into under section 307.98 of the Revised Code and contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the public children services agency;

(18) Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except that reasonable efforts of that nature are not required when a court has made a determination under division (A)(2) of section 2151.419 of the Revised Code;

(19) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan approved under division (E) of section 2151.417 of the Revised Code and to complete whatever steps are necessary to finalize the permanent placement of the child;

(20) Administer a Title IV-A program identified under division (A)(3)(c) or (d) of section 5101.80 of the Revised Code that the department of job and family services provides for the public children services agency to administer under the department's supervision pursuant to section 5101.801 of the Revised Code.

(B) The public children services agency shall use the system implemented pursuant to division (B)(16) of this section in connection with an investigation undertaken pursuant to division (F)(1) of section 2151.421 of the Revised Code and may use the system at any other time the agency is

involved with any child when the agency determines that risk assessment is necessary.

(C) Except as provided in section 2151.422 of the Revised 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 for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.

Sec. 5153.165. If a family is encountering an emergency that could lead, or has led, to removal of a child from the family's home pursuant to Chapter 2151. of the Revised Code, the public children services agency shall determine whether the child could remain safely with, or be safely returned to, the family if the emergency were alleviated by providing ~~assistance~~ benefits and services under the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. If it is determined that the child could remain safely with, or be safely returned to,

the family, the agency, with the cooperation of the child's family, shall determine the amount of ~~assistance~~ benefits and services necessary to prevent the removal of the child from the home or to permit the child's return to the home and may provide the ~~assistance~~ benefits and services pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code.

Sec. 5153.60. The department of job and family services shall establish a statewide program that provides the training section 5153.122 of the Revised Code requires public children services agency caseworkers and supervisors to complete. The program may also provide the preplacement and continuing training described in sections 5103.039, 5103.0310, and 5103.0311 of the Revised Code that foster caregivers are required by sections 5103.031, 5103.032, and 5103.033 of the Revised Code to obtain. The program shall be called the "Ohio child welfare training program."

Sec. 5153.69. The training program steering committee shall monitor and evaluate the Ohio child welfare training program to ensure ~~that~~ the following:

(A) That the Ohio child welfare training program is a competency-based training system that satisfies the training requirements for public children services agency caseworkers and supervisors under section 5153.122 of the Revised Code;

(B) That, if the Ohio child welfare training program provides preplacement or continuing training for foster caregivers, it meets the same requirements that preplacement training programs and continuing training programs must meet pursuant to section 5103.038 of the Revised Code to obtain approval by the department of job and family services, except that the Ohio child welfare training program is not required to obtain department approval.

Sec. 5153.78. (A) As used in this section:

(1) "Title IV-B" means Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended.

(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980).

(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code.

(B) For purposes of adequately funding the Ohio child welfare training program, the department of job and family services ~~shall~~ may use any of the following ~~to adequately fund the Ohio child welfare training program:~~

(1) The federal financial participation funds withheld pursuant to division (D) of section 5101.141 of the Revised Code in an amount

determined by the department;

(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs;

(3) ~~Any other~~ Other available state or federal funds.

Sec. 5703.17. (A) In making an investigation as to any company, firm, corporation, person, association, partnership, or public utility subject to the laws which the tax commissioner is required to administer, the commissioner may appoint by an order in writing an agent, a tax auditor agent, or a tax auditor agent manager, whose duties shall be prescribed in such order.

In the discharge of ~~his~~ such agent's duties ~~such, the~~ agent shall have every power of an inquisitorial nature granted by law to the commissioner, and the same powers as a notary public as to the taking of depositions, and all powers given by law to a notary public relative to depositions are hereby given to such agent.

(B) No person shall be appointed as a tax auditor agent or a tax auditor agent manager, unless that person meets one of the following requirements:

(1) The person holds from an accredited college or university a baccalaureate or higher degree in accounting, business, business administration, public administration, or management, a doctoral degree in law, a bachelor of laws degree, or a master of laws degree in taxation.

(2) The person possesses a current certified public accountant, certified managerial accountant, or certified internal auditor certificate; a professional tax designation issued by the institute for professionals in taxation or the international association of assessing officers; or a designation as an enrolled agent of the Internal Revenue Service.

(3) The person has accounting, auditing, or taxation experience that is acceptable to the department of taxation.

(4) The person has experience as a tax commissioner agent, tax auditor agent, or supervisor of tax agents that is acceptable to the department of taxation.

Sec. 5703.49. (A) As used in this section, "internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork known as the world wide web.

(B) On or before December 31, 2001, the tax commissioner shall establish an electronic site accessible through the internet. The tax commissioner shall provide access on the site for each municipal corporation that has not established its own electronic site to post documents or information required under section 718.07 of the Revised Code. The tax

commissioner shall provide electronic links for each municipal corporation that establishes a site under that section and for which a uniform resource locator has been provided to the tax commissioner. The tax commissioner is not responsible for the accuracy of the posted information, and is not liable for any inaccurate or outdated information provided by a municipal corporation. The tax commissioner may adopt rules governing the format and means of submitting such documents or information and other matters necessary to implement this section. The tax commissioner may charge municipal corporations a fee to defray the cost of establishing and maintaining the electronic site established under this section.

(C) The tax commissioner shall deposit any fees received under this section to the credit of the municipal internet site fund, which is hereby created in the state treasury. The commissioner shall use the fund for costs of establishing and maintaining the electronic site established under this section.

Sec. 5705.091. The board of county commissioners of each county shall establish a county mental retardation and developmental disabilities general fund. Notwithstanding sections 5705.09 and 5705.10 of the Revised Code, proceeds from levies under section 5705.222 and division (L) of section 5705.19 of the Revised Code shall be deposited to the credit of the county mental retardation and developmental disabilities general fund. Accounts shall be established within the county mental retardation and developmental disabilities general fund for each of the several particular purposes of the levies as specified in the resolutions under which the levies were approved, and proceeds from different levies that were approved for the same particular purpose shall be credited to accounts for that purpose. Other money received by the county for the purposes of Chapters 3323. and 5126. of the Revised Code and not required by state or federal law to be deposited to the credit of a different fund shall also be deposited to the credit of the county mental retardation and developmental disabilities general fund, in an account appropriate to the particular purpose for which the money was received. Unless otherwise provided by law, an unexpended balance at the end of a fiscal year in any account in the county mental retardation and developmental disabilities general fund shall be appropriated the next fiscal year to the same fund.

A county board of mental retardation and developmental disabilities may request, by resolution, that the board of county commissioners establish a county mental retardation and developmental disabilities capital fund for money to be used for acquisition, construction, or improvement of capital facilities or acquisition of capital equipment used in providing services to

mentally retarded and developmentally disabled persons. The county board of mental retardation and developmental disabilities shall transmit a certified copy of the resolution to the board of county commissioners. Upon receiving the resolution, the board of county commissioners shall establish a county mental retardation and developmental disabilities capital fund.

A county board shall request, by resolution, that the board of county commissioners establish a county MR/DD medicaid reserve fund. 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 district organized under section 2151.65 of the Revised Code shall not exceed two mills and that the total levy for current expenses of a combined district organized under sections 2151.34 and 2151.65 of the Revised Code shall not exceed four mills;

(B) For the payment of debt charges on certain described bonds, notes, or certificates of indebtedness of the subdivision issued subsequent to January 1, 1925;

(C) For the debt charges on all bonds, notes, and certificates of indebtedness issued and authorized to be issued prior to January 1, 1925;

(D) For a public library of, or supported by, the subdivision under whatever law organized or authorized to be supported;

(E) For a municipal university, not to exceed two mills over the limitation of one mill prescribed in section 3349.13 of the Revised Code;

(F) For the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue;

(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or townships;

(H) For recreational purposes;

(I) For the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employers' contribution required under section 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company;

(J) For the purpose of providing and maintaining motor vehicles, communications, and other equipment used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department;

(K) For the maintenance and operation of a county home;

(L) For community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code, except that the procedure for such levies shall be as provided in section 5705.222 of the Revised Code;

(M) For regional planning;

(N) For a county's share of the cost of maintaining and operating schools, district detention homes, forestry camps, or other facilities, or any combination thereof, established under section 2151.34 or 2151.65 of the Revised Code or both of those sections;

(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;

(P) For maintaining and operating sewage disposal plants and facilities;

(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;

(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention homes, or other facilities, or any combination thereof, under section 2151.34 or 2151.65 of the Revised Code or both of those sections;

(S) For the prevention, control, and abatement of air pollution;

(T) For maintaining and operating cemeteries;

(U) For providing ambulance service, emergency medical service, or both;

(V) For providing for the collection and disposal of garbage or refuse, including yard waste;

(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;

(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;

(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;

(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;

(AA) For the maintenance and operation of a free public museum of art, science, or history;

(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;

(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.

(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;

(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;

(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;

(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;

(HH) For a board of township trustees to acquire, other than by appropriation, an ownership interest in land, water, or wetlands, or to restore or maintain land, water, or wetlands in which the board has an ownership interest, not for purposes of recreation, but for the purposes of protecting and preserving the 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;

(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;

(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.

(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.

(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;

(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;

(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.

(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;

(PP) For both of the purposes set forth in divisions (G) and (OO) of this section. This division applies only to a township.

(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 and operating schools, district detention homes, forestry camps, or other facilities, or any combination thereof, established under section 2151.34 or 2151.65 of the Revised Code or under both of those sections.

(3) When the additional rate is for any of the following, the increased rate may be for a continuing period of time:

(a) For the purposes set forth in division (I), (J), (U), or (KK) of this section;

(b) For the maintenance and operation of a joint recreation district;

(c) A levy imposed by a township for the purposes set forth in division (G) of this section.

(4) When the increase is for the purpose set forth in division (D) or (CC) of this section or for both of the purposes set forth in divisions (G) and (OO) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution.

(5) When the additional rate is for the purpose described in division (Z) of this section, the increased rate shall be for any number of years not exceeding ten.

A levy for the purposes set forth in division (I), (J), or (U) of this section, and a levy imposed by a township for the purposes set forth in division (G) of this section, may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for the purposes set forth in division (I), (J), or (U) of this section, and a levy imposed by a township for the purposes set forth in division (G) of this section, may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount.

A resolution of a detention home district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.34 and 2151.65 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment.

Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the Revised Code, by resolution declares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems, the tax may be in effect for any number of years not exceeding twenty, and the proceeds of the tax, notwithstanding the general provisions of this section, may be used to pay debt charges on any obligations issued and outstanding on behalf of the subdivision for the purposes enumerated in this paragraph, provided that any such obligations have been specifically described in the resolution.

The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

When the electors of a subdivision have approved a tax levy under this section, the taxing authority of the subdivision may anticipate a fraction of the proceeds of the levy and issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code.

Sec. 5705.41. No subdivision or taxing unit shall:

(A) Make any appropriation of money except as provided in Chapter 5705. of the Revised Code; provided, that the authorization of a bond issue shall be deemed to be an appropriation of the proceeds of the bond issue for the purpose for which such bonds were issued, but no expenditure shall be made from any bond fund until first authorized by the taxing authority;

(B) Make any expenditure of money unless it has been appropriated as provided in such chapter;

(C) Make any expenditure of money except by a proper warrant drawn against an appropriate fund;

(D)(1) Except as otherwise provided in division (D)(2) of this section and section 5705.44 of the Revised Code, make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the obligation or, in the case of a continuing contract to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances. This certificate need be signed only by the subdivision's fiscal officer. Every such contract made without such a certificate shall be void, and no warrant shall be issued in payment of any amount due thereon. If no certificate is furnished as required, upon receipt by the taxing authority of the subdivision or taxing unit of a certificate of the fiscal officer stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances, such taxing authority may authorize the drawing of a warrant in payment of amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate; provided that, if the amount involved is less than one hundred dollars in the case of counties or one thousand dollars in the case of all other subdivisions or taxing units, the fiscal officer may authorize it to be paid without such affirmation of the taxing authority of the subdivision or taxing unit, if such expenditure is otherwise valid.

(2) Annually, the board of county commissioners may adopt a resolution exempting for the current fiscal year county purchases of seven hundred fifty dollars or less from the requirement of division (D)(1) of this section that a certificate be attached to any contract or order involving the

ture of money. The resolution shall state the dollar amount that is exempted from the certificate requirement and whether the exemption applies to all purchases, to one or more specific classes of purchases, or to the purchase of one or more specific items. Prior to the adoption of the resolution, the board shall give written notice to the county auditor that it intends to adopt the resolution. The notice shall state the dollar amount that is proposed to be exempted and whether the exemption would apply to all purchases, to one or more specific classes of purchases, or to the purchase of one or more specific items. The county auditor may review and comment on the proposal, and shall send any comments to the board within fifteen days after receiving the notice. The board shall wait at least fifteen days after giving the notice to the auditor before adopting the resolution. A person authorized to make a county purchase in a county that has adopted such a resolution shall prepare and file with the county auditor, within three business days after incurring an obligation not requiring a certificate, a written document specifying the purpose and amount of the expenditure, the date of the purchase, the name of the vendor, and such additional information as the auditor of state may prescribe.

(3) Upon certification by the auditor or other chief fiscal officer that a certain sum of money, not in excess of five thousand dollars, has been lawfully appropriated, authorized, or directed for a certain purpose and is in the treasury or in the process of collection to the credit of a specific line-item appropriation account in a certain fund free from previous and then outstanding obligations or certifications, then for such purpose and from such line-item appropriation account in such fund, over a period not exceeding three months and not extending beyond the end of the fiscal year, expenditures may be made, orders for payment issued, and contracts or obligations calling for or requiring the payment of money made and assumed; provided, that the aggregate sum of money included in and called for by such expenditures, orders, contracts, and obligations shall not exceed the sum so certified. Such a certification need be signed only by the fiscal officer of the subdivision or the taxing district and may, but need not, be limited to a specific vendor. An itemized statement of obligations incurred and expenditures made under such certificate shall be rendered to the auditor or other chief fiscal officer before another such certificate may be issued, and not more than one such certificate shall be outstanding at a time.

In addition to providing the certification for expenditures of five thousand dollars or less as provided in this division, a subdivision also may make expenditures, issue orders for payment, and make contracts or obligations calling for or requiring the payment of money made and

assumed for specified permitted purposes from a specific line-item appropriation account in a specified fund for a sum of money exceeding five thousand dollars upon the certification by the fiscal officer of the subdivision that this sum of money has been lawfully appropriated, authorized, or directed for a permitted purpose and is in the treasury or in the process of collection to the credit of the specific line-item appropriation account in the specified fund free from previous and then-outstanding obligations or certifications; provided that the aggregate sum of money included in and called for by the expenditures, orders, and obligations shall not exceed the certified sum. The purposes for which a subdivision may lawfully appropriate, authorize, or issue such a certificate are the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser by or on behalf of the subdivision or contracting authority; fuel oil, gasoline, food items, roadway materials, and utilities; and any purchases exempt from competitive bidding under section 125.04 of the Revised Code and any other specific expenditure that is a recurring and reasonably predictable operating expense. Such a certification shall not extend beyond the end of the fiscal year or, in the case of a board of county commissioners that has established a quarterly spending plan under section 5705.392 of the Revised Code, beyond the quarter to which the plan applies. Such a certificate shall be signed by the fiscal officer and may, but need not, be limited to a specific vendor. An itemized statement of obligations incurred and expenditures made under such a certificate shall be rendered to the fiscal officer for each certificate issued. More than one such certificate may be outstanding at any time.

In any case in which a contract is entered into upon a per unit basis, the head of the department, board, or commission for the benefit of which the contract is made shall make an estimate of the total amount to become due upon such contract, which estimate shall be certified in writing to the fiscal officer of the subdivision. Such a contract may be entered into if the appropriation covers such estimate, or so much thereof as may be due during the current year. In such a case the certificate of the fiscal officer based upon the estimate shall be a sufficient compliance with the law requiring a certificate.

Any certificate of the fiscal officer attached to a contract shall be binding upon the political subdivision as to the facts set forth therein. Upon request of any person receiving an order or entering into a contract with any political subdivision, the certificate of the fiscal officer shall be attached to such order or contract. "Contract" as used in this section excludes current

payrolls of regular employees and officers.

Taxes and other revenue in process of collection, or the proceeds to be derived from authorized bonds, notes, or certificates of indebtedness sold and in process of delivery, shall for the purpose of this section be deemed in the treasury or in process of collection and in the appropriate fund. This section applies neither to the investment of sinking funds by the trustees of such funds, nor to investments made under sections 731.56 to 731.59 of the Revised Code.

No district authority shall, in transacting its own affairs, do any of the things prohibited to a subdivision by this section, but the appropriation referred to shall become the appropriation by the district authority, and the fiscal officer referred to shall mean the fiscal officer of the district authority.

Sec. 5705.44. When contracts or leases run beyond the termination of the fiscal year in which they are made, the fiscal officer of the taxing authority shall make a certification for the amount required to meet the obligation of such contract or lease maturing in such fiscal year. The amount of the obligation under such contract or lease remaining unfulfilled at the end of a fiscal year, and which will become payable during the next fiscal year, shall be included in the annual appropriation measure for the next year as a fixed charge.

The certificate required by section 5705.41 of the Revised Code as to money in the treasury shall not be required for contracts on which payments are to be made from the earnings of a publicly operated water works or public utility, but in the case of any such contract made without such certification, no payment shall be made on account thereof, and no claim or demand thereon shall be recoverable, except out of such earnings. That certificate also shall not be required if requiring the certificate makes it impossible for a county board of mental retardation and developmental disabilities to pay the nonfederal share of medicaid expenditures that the county board is required by division (A) of section 5126.056 of the Revised Code to pay.

Sec. 5709.17. (A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations, monumental building associations, or cemetery associations or corporations, which in the opinion of the trustees, directors, or managers thereof is necessary and proper to carry out the object intended for such association or corporation, shall be exempt from taxation.

(B) Real estate and tangible personal property held or occupied by a war veterans' organization, which is organized exclusively for charitable purposes and incorporated under the laws of this state or the United States,

except real estate held by such organization for the production of rental income, shall be exempt from taxation.

(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is surplus property obtained as described in 112 Stat. 1340, 36 U.S.C.A. 40730.

Sec. 5711.33. (A)(1) When a county treasurer receives a certificate from a county auditor pursuant to division (A) of section 5711.32 of the Revised Code charging the treasurer with the collection of an amount of taxes due as the result of a deficiency assessment, the treasurer shall immediately prepare and mail a tax bill to the taxpayer owing such tax. The tax bill shall contain the name of the taxpayer; the taxable value, tax rate, and taxes charged for each year being assessed; the total amount of taxes due; the final date payment may be made without additional penalty; and any other information the treasurer considers pertinent or necessary. Taxes due and payable as a result of a deficiency assessment, less any amount specifically excepted from collection under division (B) of section 5711.32 of the Revised Code, shall be paid with interest thereon as prescribed by section 5719.041 of the Revised Code on or before the sixtieth day following the date of issuance of the certificate by the county auditor. The balance of taxes found due and payable after a final determination by the tax commissioner or a final judgment of the board of tax appeals or any court to which such final judgment may be appealed; shall be paid with interest thereon as prescribed by section 5719.041 of the Revised Code on or before the sixtieth day following the date of certification by the auditor to the treasurer pursuant to division (C) of section 5711.32 of the Revised Code of such final determination or judgment. Such final dates for payment shall be determined and exhibited on the tax bill by the treasurer.

(2) If, on or before the sixtieth day following the date of a certification of a deficiency assessment under division (A) of section 5711.32 of the Revised Code or of a certification of a final determination or judgment under division (C) of section 5711.32 of the Revised Code, the taxpayer pays the full amount of taxes and interest due at the time of the receipt of certification with respect to that assessment, determination, or judgment, no interest shall accrue or be charged with respect to that assessment, determination, or judgment for the period that begins on the first day of the month in which the certification is made and that ends on the last day of the month preceding the month in which such sixtieth day occurs.

(3) In addition to any other means provided by law for the collection of

such taxes, the county treasurer may enter into a written tax contract with a taxpayer charged with the payment of taxes as a result of a deficiency assessment issued under division (A) of section 5711.32 of the Revised Code whereby the taxpayer is permitted to pay the full amount of those taxes in installments. Such a contract may not be entered into later than the sixtieth day after the day the assessment is issued. The terms of the tax contract shall include the amount payable and the due date of each installment including the final payment date, which shall be not more than five years after the date of the first payment. A receipt shall be issued for each installment payment when paid. Each payment shall be applied to the taxes and interest in the same order as each became due and shall be apportioned among the various funds for which the taxes were levied at the next succeeding tax settlement. When a payment is not tendered as agreed upon, the treasurer shall declare the tax contract to be void and proceed to collect the unpaid balance by any means provided by law. When the treasurer declares a tax contract to be void, the remaining tax and interest due becomes delinquent, and the penalty provided by division (B) of this section shall be imposed on that remaining tax and interest due. The treasurer may permit a delinquent tax contract to be undertaken on any delinquent tax due as provided in section 5719.05 of the Revised Code.

(B) When the taxes charged, as mentioned in division (A) of this section, are not paid within the time prescribed by such division or if a tax contract is not entered into as provided in division (A)(3) of this section, a penalty of ten per cent of the amount due and unpaid and interest for the period described in division (A)(2) of this section shall accrue at the time the treasurer closes the treasurer's office for business on the last day so prescribed, but if the taxes are paid within ten days subsequent to the last day prescribed, the treasurer shall waive the collection of and the auditor shall remit one-half of the penalty. The treasurer shall not thereafter accept less than the full amount of taxes and penalty except as otherwise authorized by law. Such penalty shall be distributed in the same manner and at the same time as the tax upon which it has accrued. The whole amount collected shall be included in the next succeeding settlement of appropriate taxes.

(C) When the taxes charged, as mentioned in division (A) of this section, remain unpaid after the final date for payment prescribed by such division, such charges shall be deemed to be delinquent taxes. The county auditor shall cause such charges, including the penalty that has accrued pursuant to this section, to be added to the delinquent tax duplicate in accordance with section 5719.04 of the Revised Code.

(D) The county auditor, upon consultation with the county treasurer,

shall remit a penalty imposed under division (B) of this section or division (C) of section 5719.03 of the Revised Code for the late payment of taxes when:

(1) The taxpayer could not make timely payment of the tax because of the negligence or error of the auditor or treasurer in the performance of a statutory duty relating to the levy or collection of such tax.

(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

vised 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, interest at the certificate rate of interest, accruing during the part of the certificate interest period that begins one year after the date of the sale of the certificate, on the sum of the certificate purchase price plus six per cent of the certificate purchase price.

(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.

(3) If the certificate rate of interest equals zero, the certificate redemption price equals the certificate purchase price plus the fee charged by the county treasurer to the purchaser of the certificate under division (H) of section 5721.32 of the Revised Code.

(F) With respect to a sale of tax certificates under section 5721.33 of the Revised Code, "certificate redemption price" means the amount equal to the sum of the following:

(1) The certificate purchase price;

(2) Interest accrued on the certificate purchase price at the certificate rate of interest from the date on which a tax certificate is delivered through and including the day immediately preceding the day on which the certificate redemption price is paid;

(3) The fee, if any, charged by the county treasurer to the purchaser of the certificate under division (J) of section 5721.33 of the Revised Code;

(4) Any other fees charged by any county office in connection with the recording of tax certificates.

(G) "Certificate rate of interest" means the rate of simple interest per year bid by the winning bidder in an auction of a tax certificate held under section 5721.32 of the Revised Code, or the rate of simple interest per year not to exceed eighteen per cent per year fixed by the county treasurer with respect to any tax certificate sold pursuant to a negotiated sale under section 5721.33 of the Revised Code.

(H) "Cash" means United States currency, certified checks, money orders, bank drafts, or electronic transfer of funds, and excludes any other form of payment.

(I) "The date on which a tax certificate is sold," "the date the certificate

was sold," "the date the certificate is purchased," and any other phrase of similar content mean, with respect to a sale pursuant to an auction under section 5721.32 of the Revised Code, the date designated by the county treasurer for the submission of bids and, with respect to a negotiated sale under section 5721.33 of the Revised Code, the date of delivery of the tax certificates to the purchasers thereof pursuant to a tax certificate sale/purchase agreement.

(J) "Purchaser of a tax certificate pursuant to section 5721.32 of the Revised Code" means the winning bidder in an auction of a tax certificate held under section 5721.32 of the Revised Code.

(K) "Certificate interest period" means, with respect to a tax certificate sold under section 5721.32 of the Revised Code, the period beginning on the date the certificate is purchased and, with respect to a tax certificate sold under section 5721.33 of the Revised Code, the period beginning on the date of delivery of the tax certificate, and in either case ending on one of the following dates:

(1) In the case of foreclosure proceedings instituted under section 5721.37 of the Revised Code, the date the certificate holder submits a payment to the treasurer under division (B) of that section;

(2) In the case of a certificate parcel redeemed under division (A) or (C) of section 5721.38 of the Revised Code, the date the owner of record of the certificate parcel, or any other person entitled to redeem that parcel, pays to the county treasurer or to the certificate holder, as applicable, the full amount determined under that section.

(L) "County treasurer" means, with respect to the sale of tax certificates under section 5721.32, ~~or 5721.33~~ of the Revised Code, the county treasurer of a county having a population of at least two hundred thousand according to the then most recent federal decennial census ~~and, with respect to the sale of tax certificates under section 5721.33 of the Revised Code, the county treasurer of a county having a population of at least one million four hundred thousand according to the then most recent federal decennial census.~~

(M) "Qualified trustee" means a trust company within the state or a bank having the power of a trust company within the state with a combined capital stock, surplus, and undivided profits of at least one hundred million dollars.

(N) "Tax certificate sale/purchase agreement" means the purchase and sale agreement described in division (C) of section 5721.33 of the Revised Code setting forth the certificate purchase price, plus any applicable premium or less any applicable discount, including, without limitation, the

amount thereof to be paid in cash and the amount and nature of any noncash consideration, the date of delivery of the tax certificates, and the other terms and conditions of the sale, including, without limitation, the rate of interest that the tax certificates shall bear.

(O) "Noncash consideration" means any form of consideration other than cash, including, but not limited to, promissory notes whether subordinate or otherwise.

(P) "Private attorney" means for purposes of section 5721.37 of the Revised Code, any attorney licensed to practice law in this state, whether practicing with a firm of attorneys or otherwise, whose license has not been revoked or otherwise suspended and who brings foreclosure proceedings pursuant to section 5721.37 of the Revised Code on behalf of a certificate holder.

(Q) "Related certificate parcel" means, with respect to a certificate holder, the certificate parcel with respect to which the certificate holder has purchased and holds a tax certificate pursuant to sections 5721.30 to 5721.41 of the Revised Code and, with respect to a tax certificate, the certificate parcel against which the tax certificate has been sold pursuant to those sections.

Sec. 5725.31. (A) As used in this section:

(1) "Eligible employee" and "eligible training costs" have the same meanings as in section 5733.42 of the Revised Code.

(2) "Tax assessed under this chapter" means, in the case of a dealer in intangibles, the tax assessed under sections 5725.13 to 5725.17 of the Revised Code and, in the case of a domestic insurance company, the taxes assessed under sections 5725.18 to 5725.26 of the Revised Code.

(3) "Taxpayer" means a dealer in intangibles or a domestic insurance company subject to a tax assessed under this chapter.

(4) "Credit period" means, in the case of a dealer in intangibles, the calendar year ending on the thirty-first day of December next preceding the day the report is required to be returned under section 5725.14 of the Revised Code and, in the case of a domestic insurance company, the calendar year ending on the thirty-first day of December next preceding the day the annual statement is required to be returned under section 5725.18 or 5725.181 of the Revised Code.

(B) There is hereby allowed a nonrefundable credit against the tax imposed under this chapter for a taxpayer for which a tax credit certificate is issued under section 5733.42 of the Revised Code. The credit may be claimed for credit periods beginning on or after January 1, ~~2004~~ 2003, and ending on or before December 31, ~~2003~~ 2005. The amount of the credit for

the credit period beginning on January 1, 2003, shall equal one-half of the average of the eligible training costs paid or incurred by the taxpayer during the three calendar years immediately preceding the credit period for which the credit is claimed 1998, 1999, and 2000, not to exceed one thousand dollars for each eligible employee on account of whom eligible training costs were paid or incurred by the taxpayer. The amount of the credit for the credit period beginning on January 1, 2004, 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. The amount of the credit for the credit period beginning on January 1, 2005, 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. The credit claimed by a taxpayer each credit period shall not exceed one hundred thousand dollars.

A taxpayer shall apply to the director of job and family services for a tax credit certificate in the manner prescribed by division (C) of section 5733.42 of the Revised Code. Divisions (C) to (H) of that section govern the tax credit allowed by this section, except that "credit period" shall be substituted for "tax year with respect to a calendar year" wherever that phrase appears in those divisions and that a taxpayer under this section shall be considered a taxpayer for the purposes of that section.

A taxpayer may carry forward the credit allowed under this section to the extent that the credit exceeds the taxpayer's tax due for the credit period. The taxpayer may carry the excess credit forward for three credit periods following the credit period for which the credit is first claimed under this section. The credit allowed by this section is in addition to any credit allowed under section 5729.031 of the Revised Code.

Sec. 5727.25. (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 the return and remit the taxes due on its taxable gross receipts within forty-five days after the thirty-first day of December. The first payment of the tax under this division shall be made on or before February 14, 2001, for the period of May 1, 2000, to December 31, 2000. The minimum tax for a natural gas company or combined company subject to this division shall be fifty dollars, and the company shall not be required to remit the tax due by electronic funds transfer.

(C) A return required to be filed under division (A) or (B) of this section shall show the amount of tax due from the company for the period covered by the return and any other information as prescribed by the tax commissioner. A return shall be considered filed when received by the ~~treasurer of state~~ tax commissioner. The commissioner may extend the time for making and filing returns and paying the tax.

(D) Any natural gas company or combined company that fails to file a return or pay the full amount of the tax due within the period prescribed under this section 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. If any tax due is not paid timely in accordance with this section, the company liable for the tax shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first. The tax commissioner may collect any additional charge or interest imposed by this section by assessment in the manner provided in section 5727.26 of the Revised Code. The commissioner may abate all or a portion of the additional charge and may adopt rules governing such abatements.

(E) The tax commissioner shall immediately forward to the treasurer of state any amounts that the commissioner receives under this section. The taxes, additional charges, penalties, and interest collected under sections 5727.24 to 5727.29 of the Revised Code shall be credited in accordance with section 5727.45 of the Revised Code.

Sec. 5727.26. (A) The tax commissioner may make an assessment,

based on any information in the commissioner's possession, against any natural gas company or combined company that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.24 to 5727.29 of the Revised Code. The commissioner shall give the company assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The tax commissioner may adopt rules providing for the imposition and remission of the penalty.

(B) If a party to whom the notice of assessment is directed objects to the assessment, the party may file a petition for reassessment with the tax commissioner. The petition must be made in writing, signed by the party or the party's authorized agent having knowledge of the facts, and filed with the commissioner, either personally or by certified mail, within sixty days after service of the notice of assessment. The petition shall indicate the objections of the company assessed, but additional objections may be raised in writing if received prior to the date shown on the final determination of the commissioner. Upon receipt of a properly filed petition, the commissioner ~~shall~~ may notify the treasurer of state.

Unless the petitioner waives a hearing, the commissioner shall grant the petitioner a hearing on the petition, assign a time and place for the hearing, and notify the petitioner of the time and place of the hearing as provided in section 5703.37 of the Revised Code. The commissioner may continue the hearing from time to time, if necessary.

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.

(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.

(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.

The clerk, immediately on the filing of the entry, must enter judgment for the state against the company assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the public utility excise tax on natural gas and combined companies," and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

The portion of the assessment not paid within sixty days after the day the assessment was issued shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is paid. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(E) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. On issuance of the jeopardy assessment, the commissioner immediately shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the party assessed or the party's legal representative as provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) ~~All interest collected by the~~ The tax commissioner shall immediately forward to the treasurer of state all amounts that the tax commissioner receives under this section shall be paid to the treasurer of state, and when paid such amounts shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code.

(G) No assessment shall be made or issued against a natural gas

company or combined company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later.

Sec. 5727.81. (A) For the purpose of raising revenue for public education and state and local government operations, an excise tax is hereby levied and imposed on an electric distribution company for all electricity distributed by such company beginning with the measurement period that includes May 1, 2001, at the following rates per kilowatt hour of electricity distributed in a thirty-day period by the company through a meter of an end user in this state:

KILOWATT HOURS DISTRIBUTED TO	RATE PER KILOWATT HOUR
AN END USER	
For the first 2,000	\$.00465
For the next 2,001 to 15,000	\$.00419
For 15,001 and above	\$.00363

If no meter is used to measure the kilowatt hours of electricity distributed by the company, the rates shall apply to the estimated kilowatt hours of electricity distributed to an unmetered location in this state.

The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user through the meter of the end user that is not measured for a thirty-day period by dividing the days in the measurement period into the total kilowatt hours measured during the measurement period to obtain a daily average usage. The tax shall be determined by obtaining the sum of divisions (A)(1), (2), and (3) of this section and multiplying that amount by the number of days in the measurement period:

(1) Multiplying \$0.00465 per kilowatt hour for the first sixty-seven kilowatt hours distributed using a daily average;

(2) Multiplying \$0.00419 for the next sixty-eight to five hundred kilowatt hours distributed using a daily average;

(3) Multiplying \$0.00363 for the remaining kilowatt hours distributed using a daily average.

~~Except~~ Until January 1, 2003, except as provided in division (C) of this section, the electric distribution company shall pay the tax to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, except as provided in division (C) of this section, the electric distribution company shall pay the tax to the tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to

remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the Revised Code.

Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In the event a meter is not actually read for a measurement period, the estimated kilowatt hours distributed by an electric distribution company to bill for its distribution charges shall be used.

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The electricity is distributed by the company through a meter of an end user in this state;

(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;

(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(C)(1) As used in division (C) of this section:

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code.

(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements.

(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway.

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the

written request by an applicant for registration as a self-assessing purchaser under this division. Such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00075 per kilowatt hour on ~~not more than~~ the first five hundred four million kilowatt hours distributed to that meter or location during the registration year, and four per cent of the total price of all electricity distributed to that meter or location. A qualified end user that receives electricity through a meter of an end user in this state or through more than one meter at a single location in this state and that consumes, over the course of the previous calendar year, more than forty-five million kilowatt hours in other than its qualifying manufacturing process, may elect to self-assess the tax as allowed by this division with respect to the electricity used in other than its qualifying manufacturing process. ~~Payment~~ Until January 1, 2003, payment of the tax shall be made directly to the treasurer of state in accordance with divisions (A)(4) and (5) of section 5727.82 of the Revised Code. Beginning January 1, 2003, payment of the tax shall be made directly to the tax commissioner in accordance with divisions (A)(4) and (5) of section 5727.82 of the Revised Code, or the treasurer of state in accordance with section 5727.83 of the Revised Code. If the electric distribution company serving the self-assessing purchaser is a municipal electric utility and the purchaser is within the municipal corporation's corporate limits, payment shall be made to such municipal corporation's general fund and reports shall be filed in accordance with divisions (A)(4) and (5) of section 5727.82 of the Revised Code, except that "municipal corporation" shall be substituted for "treasurer of state" and "tax commissioner." A self-assessing purchaser that pays the excise tax as provided in this division shall not be required to pay the tax to the electric distribution company from which its 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 to the tax commissioner, or to the treasurer of state as provided in section 5727.83 of the Revised Code, for each qualifying meter or location. The tax commissioner shall immediately pay to the treasurer of state all amounts that the tax commissioner receives under this section. The treasurer of state shall deposit such fees amounts into the kilowatt hour excise tax administration fund, which is hereby created in the state treasury. Money in the fund shall be used to defray the tax commissioner's cost in administering the tax owed under section 5727.81 of the Revised Code by self-assessing purchasers. After the application is approved by the tax commissioner, the registration shall remain in effect for the current registration year, or until canceled by the registrant upon written notification to the commissioner of the election to pay the tax in accordance with division (A) of this section, or until canceled by the tax commissioner for not paying the tax or fee under division (C) of this section; or for not meeting the qualifications in division (C)(2) of this section. The tax commissioner shall give written notice to the electric distribution company from which electricity is delivered to a self-assessing purchaser of the purchaser's self-assessing status, and the electric distribution company is relieved of the obligation to pay the tax imposed by division (A) of this section for electricity distributed to that self-assessing purchaser until it is notified by the tax commissioner that the self-assessing purchaser's registration is canceled. Within fifteen days of notification of the canceled registration, the electric distribution company shall be responsible for payment of the tax imposed by division (A) of this section on electricity distributed to a purchaser that is no longer registered as a self-assessing

chaser. A self-assessing purchaser with a canceled registration must file a report and remit the tax imposed by division (A) of this section on all electricity it receives for any measurement period prior to the tax being reported and paid by the electric distribution company. A self-assessing purchaser whose registration is canceled by the tax commissioner is not eligible to register as a self-assessing purchaser for two years after the registration is canceled.

(7) If the tax commissioner cancels the self-assessing registration of a purchaser registered on the basis of its estimated consumption because the purchaser does not consume at least forty-five million kilowatt hours of electricity over the course of the twelve-month period for which the estimate was made, the tax commissioner shall assess and collect from the purchaser the difference between (a) the amount of tax that would have been payable under division (A) of this section on the electricity distributed to the purchaser during that period and (b) the amount of tax paid by the purchaser on such electricity pursuant to division (C)(2)(a) of this section. The assessment shall be paid within sixty days after the tax commissioner issues it, regardless of whether the purchaser files a petition for reassessment under section 5727.89 of the Revised Code covering that period. If the purchaser does not pay the assessment within the time prescribed, the amount assessed is subject to the additional charge and the interest prescribed by divisions (B) and (C) of section 5727.82 of the Revised Code, and is subject to assessment under section 5727.89 of the Revised Code. If the purchaser is a qualified end user, division (C)(7) of this section applies only to electricity it consumes in other than its qualifying manufacturing process.

(D) The tax imposed by this section does not apply to the distribution of any kilowatt hours of electricity to the federal government, to an end user located at a federal facility that uses electricity for the enrichment of uranium, to a qualified regeneration meter, or to an end user for any day the end user is a qualified end user. The exemption under this division for a qualified end user only applies to the manufacturing location where the qualified end user uses more than three million kilowatt hours per day in a qualifying manufacturing process.

Sec. 5727.811. (A) For the purpose of raising revenue for public education and state and local government operations, an excise tax is hereby levied on every natural gas distribution company for all natural gas volumes billed by, or on behalf of, the company ~~on and after~~ beginning with the measurement period that includes July 1, 2001. Except as provided in divisions (C) or (D) of this section, the tax shall be levied at the following rates per MCF of natural gas distributed by the company through a meter of

an end user in this state:

MCF DISTRIBUTED TO AN END USER	RATE PER MCF
For the first 100 MCF per month	\$.1593
For the next 101 to 2000 MCF per month	\$.0877
For 2001 and above MCF per month	\$.0411

If no meter is used to measure the MCF of natural gas distributed by the company, the rates shall apply to the estimated MCF of natural gas distributed to an unmetered location in this state.

(B) A natural gas distribution company shall base the tax on the MCF of natural gas distributed to an end user through the meter of the end user in this state that is estimated to be consumed by the end user as reflected on the end user's customer statement from the natural gas distribution company. ~~The~~ Until January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the tax commissioner in accordance with section 5727.82 of the Revised Code unless required to remit payment to the treasurer of state in accordance with section 5727.83 of the Revised Code.

(C) A natural gas distribution company with fifty thousand customers or less may elect to apply the rates specified in division (A) of this section to the aggregate of the natural gas distributed by the company through the meter of all its customers in this state, and upon such election, this method shall be used to determine the amount of tax to be paid by such company.

(D) A natural gas distribution company shall pay the tax imposed by this section at the rate of \$.02 per MCF of natural gas distributed by the company through the meter of a flex customer. The natural gas distribution company correspondingly shall reduce the per MCF rate that it charges the flex customer for natural gas distribution services by \$.02 per MCF of natural gas distributed to the flex customer.

(E) Except as provided in division (F) of this section, each natural gas distribution company shall pay the tax imposed by this section in all of the following circumstances:

- (1) The natural gas is distributed by the company through a meter of an end user in this state;
- (2) The natural gas distribution company is distributing natural gas through a meter located in another state, but the natural gas is consumed in this state in the manner prescribed by the tax commissioner;
- (3) The natural gas distribution company is distributing natural gas in

this state without the use of a meter, but the natural gas is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(F) The tax levied by this section does not apply to the distribution of natural gas to the federal government, or natural gas produced by an end user in this state that is consumed by that end user or its affiliates and is not distributed through the facilities of a natural gas company.

Sec. 5727.82. (A)(1) Except as provided in divisions (A)(3) and (D) of this section, by the twentieth day of each month, each electric distribution company required to pay the tax imposed by section 5727.81 of the Revised Code shall file with the ~~treasurer of state~~ tax commissioner a return as prescribed by the tax commissioner and shall make payment of the full amount of tax due for the preceding month. The first payment of this tax shall be made on or before June 20, 2001. The electric distribution company shall make payment to the tax commissioner unless required to remit each tax payment by electronic funds transfer to the treasurer of state as provided in section 5727.83 of the Revised Code.

(2) By the twentieth day of May, August, November, and February, each natural gas distribution company required to pay the tax imposed by section 5727.811 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.

(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 hours distributed to end users located outside the boundaries of the municipal corporation.

(4) By the twentieth day of each month, each self-assessing purchaser that under division (C) of section 5727.81 of the Revised Code pays directly to the ~~tax commissioner or the~~ treasurer of state the tax imposed by section 5727.81 of the Revised Code shall file with the ~~treasurer of state~~ tax commissioner a return as prescribed by the tax commissioner and shall make payment of the full amount of the tax due for the preceding month.

(5) As prescribed by the tax commissioner, a return shall be signed by the company or self-assessing purchaser required to file it, or an authorized

employee, officer, or agent of the company or purchaser. ~~The treasurer of state shall mark on the return the date it was received and indicate payment or nonpayment of the tax shown to be due on the return. The treasurer of state immediately shall transmit all returns to the tax commissioner. The return shall be deemed filed when received by the treasurer of state tax commissioner.~~

(B) Any natural gas distribution company, electric distribution company, or self-assessing purchaser required by this section to file a return who fails to file it and pay the tax within the period prescribed shall pay an additional charge of fifty dollars or ten per cent of the tax required to be paid for the reporting period, whichever is greater. The tax commissioner may collect the additional charge by assessment pursuant to section 5727.89 of the Revised Code. The commissioner may abate all or a portion of the additional charge and may adopt rules governing such abatements.

(C) If any tax due is not paid timely in accordance with this section, the natural gas distribution company, electric distribution company, or self-assessing purchaser liable for the tax shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment is issued, whichever occurs first. Interest shall be paid in the same manner as the tax, and the commissioner may collect the interest by assessment pursuant to section 5727.89 of the Revised Code.

(D) Not later than the tenth day of each month, a qualified end user not making the election to self-assess under division (C) of section 5727.81 of the Revised Code shall report in writing to the electric distribution company that distributes electricity to the end user the kilowatt hours that were consumed as a qualified end user in a qualifying manufacturing process for the prior month and the number of days, if any, on which the end user was not a qualified end user. For each calendar day during that month, a qualified end user shall report the kilowatt hours that were not used in a qualifying manufacturing process. For each calendar day the end user was not a qualified end user, the end user shall report in writing to the electric distribution company the total number of kilowatt hours used on that day, and the electric distribution company shall pay the tax imposed under section 5727.81 of the Revised Code on each kilowatt hour that was not distributed to a qualified end user in a qualifying manufacturing process. The electric distribution company may rely in good faith on a qualified end user's report filed under this division. If it is determined that the end user was not a qualified end user for any calendar day or the quantity of electricity used by the qualified end user in a qualifying manufacturing

process was overstated, the tax commissioner shall assess and collect any tax imposed under section 5727.81 of the Revised Code directly from the qualified end user. As requested by the commissioner, each end user reporting to an electric distribution company that it is a qualified end user shall provide documentation to the commissioner that establishes the volume of electricity consumed daily by the qualified end user and the total number of kilowatt hours consumed in a qualifying manufacturing process.

(E) The tax commissioner shall immediately pay to the treasurer of state all amounts that the tax commissioner receives under this section. The treasurer of state shall credit such amounts in accordance with this chapter.

Sec. 5727.84. (A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code:

(1) "School district" means a city, local, or exempted village school district.

(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(4) "State education aid" means the sum of ~~the state basic aid and state special education~~ aid amounts computed for a school district or joint vocational school district under ~~divisions (A) and (C) of section 3317.022 Chapter 3317.~~ of the Revised Code.

(5) "State education aid offset" means the amount ~~certified~~ determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code.

(6) ~~"Adjusted total taxable value~~ Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code.

(7) "Electric company tax value loss" means the amount determined under division (D) of this section.

(8) "Natural gas company tax value loss" means the amount determined under division (E) of this section.

(9) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.

(10) "Fixed-rate levy" means any tax levied on property other than a

fixed-sum levy.

(11) "Fixed-rate levy loss" means the amount determined under division (G) of this section.

(12) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.

(13) "Fixed-sum levy loss" means the amount determined under division (H) of this section.

(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.

(B) ~~At~~ The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:

(1) ~~Fifty-nine and nine hundred seventy-six one-thousandths per cent, plus an amount equal to seventy per cent of the total state education aid offset,~~ shall be credited to the general revenue fund.

(2) Two and six hundred forty-six one-thousandths per cent shall be credited to the local government fund, for distribution in accordance with section 5747.50 of the Revised Code.

(3) Three hundred seventy-eight one-thousandths per cent shall be credited to the local government revenue assistance fund, for distribution in accordance with section 5747.61 of the Revised Code.

(4) ~~Twenty-five and nine-tenths per cent, less an amount equal to seventy per cent of the total state education aid offset,~~ shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code.

(5) Eleven and one-tenth per cent shall be credited to the local government property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.86 of the Revised Code.

(6) ~~Beginning in the fiscal year in which payments are required to be made under sections 5727.85 and 5727.86 of the Revised Code~~ In fiscal years 2002, 2003, 2004, 2005, and 2006, 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); ~~and (3); (4); and (5)~~ of this section the amount it would have received if the tax did raise five hundred fifty-two million dollars for that fiscal year. The tax commissioner shall certify to the director of budget and management the amounts that shall be credited under this division.

(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) ~~At~~ 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 transferred from the general revenue fund under division (C)(3) of this section shall be reduced by the amount necessary to credit to each of the funds in divisions (C)(1) and (2) of this section the amount that it would have received if the tax did raise ninety million dollars for that fiscal year in the same percentages as if that amount had been collected as taxes under section 5727.811 of the Revised Code. The tax commissioner shall certify to the director of budget and management the amounts that shall be credited~~

transferred under this division.

(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the amounts described in divisions (D)(1) and (2) of this section:

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section.

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998;

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section.

(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments;

(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

(E) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in divisions (E)(1) and (2) of this section:

(1) The difference obtained by subtracting the amount described in division (E)(1)(b) from the amount described in division (E)(1)(a) of this section.

(a) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2000, and apportioned to the taxing district for tax year 1999;

(b) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years;

(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas companies, electric companies, and rural electric companies file a report to help determine the tax value loss under divisions (D) and (E) of this section. The report shall be filed within thirty days of the commissioner's request. A company that fails to file the report or does not timely file the report is subject to the penalty in section 5727.60 of the Revised Code.

(G) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-rate levy loss, which is the sum of its electric company tax value loss multiplied by the tax rate in effect in tax year 1998 for fixed-rate levies and its natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999 for fixed-rate levies.

(H) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss, which is the amount obtained by subtracting the amount described in division (H)(2) of this section from the amount described in division (H)(1) of this section:

(1) The sum of the electric company tax value loss multiplied by the tax rate in effect in tax year 1998, and the natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999, for fixed-sum levies for all taxing districts within each school district, joint vocational school district, and local taxing unit. For the years 2002 through 2006, this computation shall include school district emergency levies that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case

of the natural gas company tax value loss, and all other fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss and continue to be charged in the tax year preceding the distribution year. For the years 2007 through 2016 in the case of school district emergency levies, and for all years after 2006 in the case of all other fixed-sum levies, this computation shall exclude all fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss, but are no longer in effect in the tax year preceding the distribution year. For the purposes of this section, an emergency levy that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, continues to exist in a year beginning on or after January 1, 2007, but before January 1, 2017, if, in that year, the board of education levies a school district emergency levy for an annual sum at least equal to the annual sum levied by the board in tax year 1998 or 1999, respectively, less the amount of the payment certified under this division for 2002.

(2) ~~The total taxable value in tax year 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company~~ 1999 less the tax value loss in each school district, joint vocational school district, and local taxing unit multiplied by one-fourth of one mill.

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (E) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86 of the Revised Code, and the one-fourth of one mill that is subtracted under division (H)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion of each levy to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(I) Notwithstanding divisions (D), (E), (G), and (H) of this section, in computing the tax value loss, fixed-rate levy loss, and fixed-sum levy loss, the tax commissioner shall use the greater of the 1998 tax rate or the 1999 tax rate in the case of levy losses associated with the electric company tax value loss, but the 1999 tax rate shall not include for this purpose any tax levy approved by the voters after June 30, 1999, and the tax commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas company tax value loss, ~~but the 2000 tax rate shall not include for this purpose any tax levy approved by the voters after November 7, 2000.~~

(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately display the levy loss for each levy eligible for reimbursement.

(K) Not later than September 1, 2001, the tax commissioner shall certify the amount of the fixed-sum levy loss to the county auditor of each county in which a school district with a fixed-sum levy loss has territory.

Sec. 5727.85. (A) By the thirty-first day of July of each year, beginning in 2002 and ending in 2016, the department of education shall determine the following for each school district and each joint vocational school district eligible for payment under division (C) or (D) of this section:

(1) The state education aid offset, which is the difference obtained by subtracting the amount described in division (A)(1)(b) of this section from the amount described in division (A)(1)(a) of this section:

(a) The state education aid computed for the school district or joint vocational school district for the current fiscal year ~~on the basis of the adjusted total taxable value as of the thirty-first day of July;~~

(b) The state education aid that would be computed for the school district or joint vocational school district for the current fiscal year as of the thirty-first day of July if the district's adjusted total taxable value recognized valuation included the tax value loss for all taxing districts in the school district or joint vocational school district.

(2) The greater of zero or difference obtained by subtracting the state education aid offset determined under division (A)(1) of this section from the fixed-rate levy loss ~~determined certified~~ under division ~~(G)~~(J) of section 5727.84 of the Revised Code for all taxing districts in each school district and joint vocational school district. The

By the fifth day of August of each such year, the department of education shall certify the amount so determined under division (A)(1) of this section to the director of budget and management.

(B) Not later than the thirty-first day of October of the years 2006 through 2016, the department of education shall determine all of the following for each school district:

(1) The amount obtained by subtracting the district's state education aid computed for fiscal year 2002 from the district's state education aid computed for the current fiscal year;

(2) The inflation-adjusted property tax loss. The inflation-adjusted

property tax loss equals the fixed-rate levy loss, excluding the tax loss from levies within the ten-mill limitation to pay debt charges, determined under division (G) of section 5727.84 of the Revised Code for all taxing districts in each school district plus the product obtained by multiplying that loss by the cumulative percentage increase in the consumer price index from January 1, 2002, to the thirtieth day of June of the current year.

(3) The difference obtained by subtracting the amount computed under division (B)(1) from the amount of the inflation-adjusted property tax loss. If this difference is zero or a negative number, no further payments shall be made under division (C) of this section to the school district from the school district property tax replacement fund. ~~If the difference is greater than zero, the department of education shall certify the amount calculated in division (A)(2) of this section to the director of budget and management not later than the thirty-first day of December of each year, beginning in 2006 and ending in 2016.~~

~~(C) For all taxing districts in each school district, the director of budget and management~~ The department of education shall pay from the school district property tax replacement fund to ~~the county undivided income tax fund in the proper county treasury~~ each school district all of the following:

(1) In February 2002, one-half of the fixed-rate levy loss certified under division ~~(G)(J)~~ of section 5727.84 of the Revised Code ~~on or before the day prescribed for the settlement under division (A) of section 321.24 of the Revised Code~~ between the twenty-first and twenty-eighth days of February.

(2) From August 2002 through August 2006, one-half of the amount ~~certified~~ calculated for that fiscal year under division (A)(2) of this section ~~on or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code~~ between the twenty-first and twenty-eighth days of August and of February.

(3) From February 2007 through August 2016, one-half of the amount ~~certified~~ calculated for that calendar year under division (B)(3) of this section ~~on or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code.~~

~~The county treasurer shall distribute amounts paid under divisions (C)(1), (2), and (3) of this section to the proper school district as if they had been levied and collected as taxes, and the school district shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes~~ between the twenty-first and twenty-eighth days of August and of February.

(4) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax

year 1999 in the case of natural gas company tax value losses, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 2006 through fiscal year 2016.

The department of education shall report to each school district the apportionment of the payments among the school district's funds based on the certifications under division (J) of section 5727.84 of the Revised Code.

(D) Not later than January 1, 2002, for all taxing districts in each joint vocational school district, the tax commissioner shall certify to the ~~director of budget and management~~ department of education the fixed-rate levy loss determined under division (G) of section 5727.84 of the Revised Code. From February 2002 to August 2016, the ~~director department~~ shall pay from the school district property tax replacement fund to the ~~county undivided income tax fund in the proper county treasury,~~ joint vocational school district one-half of the fixed-rate levy loss so certified for each year ~~on or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code. The county treasurer shall distribute such amounts to the proper joint vocational school district as if they had been levied and collected as taxes, and the joint vocational school district shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes~~ amount calculated for that fiscal year under division (A)(2) of this section between the twenty-first and twenty-eighth days of August and of February.

(E)(1) Not later than January 1, 2002, for each fixed-sum levy levied by each school district or joint vocational school district and for each year for which a determination is made under division (H) of section 5727.84 of the Revised Code that a fixed-sum levy loss is to be reimbursed, the tax commissioner shall certify to the ~~director of budget and management~~ department of education the fixed-sum levy loss determined under that division. The certification shall cover a time period sufficient to include all fixed-sum levies for which the tax commissioner made such a determination. The ~~director department~~ shall pay from the school district property tax replacement fund to the ~~county undivided income tax fund in the proper county treasury~~ school district or joint vocational school district one-half of the fixed-sum levy loss so certified for each year ~~on or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code. The county treasurer shall distribute the amounts to the proper school district or joint vocational school district as if they had been levied and collected as taxes, and the district shall apportion the amounts so received among its funds in the same proportions as if those~~

~~amounts had been levied and collected as taxes~~ between the twenty-first and twenty-eighth days of August and of February.

(2) Beginning in 2003, by the thirty-first day of January of each year, the tax commissioner shall review the certification originally made under division (E)(1) of this section. If the commissioner determines that a ~~fixed-sum debt~~ levy that had been scheduled to be reimbursed in the current year has expired, a revised certification for that and all subsequent years shall be made to the ~~director of budget and management~~ department of education.

(F) Beginning in August 2002, and ending in February 2017, the director of budget and management shall transfer from the school district property tax replacement fund to the general revenue fund each of the following:

(1) Between the twenty-eighth day of August and the fifth day of September, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund;

(2) Between the first and fifth days of March, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund.

(G) By August 5, 2002, the tax commissioner shall estimate the amount of money in the school district property tax replacement fund in excess of the amount necessary to make payments ~~in that month~~ under divisions (C), (D), ~~and~~ (E), ~~and~~ (F) of this section. Notwithstanding division (C) of this section, the department of education, in consultation with the tax commissioner and from those excess funds, may pay any school district four and one-half times the amount certified under division (A)(2) of this section. Payments shall be made in order from the smallest annual loss to the largest annual loss. A payment made under this division shall be in lieu of the payment to be made in August 2002 under division (C)(2) of this section. No payments shall be made in the manner established in this division to any school district with annual losses from permanent improvement fixed-rate levies in excess of twenty thousand dollars, or annual losses from any other fixed-rate levies in excess of twenty thousand dollars. A school district receiving a payment under this division is no longer entitled to any further payments under division (C) of this section.

~~(G)~~(H) On the thirty-first day of July of 2003, 2004, 2005, and 2006, and on the thirty-first day of January and July of 2007 and each year thereafter, if the amount credited to the school district property tax replacement fund exceeds the amount needed to make payments from the

fund under divisions (C), (D), ~~and (E)~~, and (F) of this section ~~in the following month~~, the ~~director of budget and management~~ department of education shall distribute the excess among school districts and joint vocational school districts. The amount distributed to each district shall bear the same proportion to the excess remaining in the fund as the ADM of the district bears to the ADM of all of the districts. For the purpose of this division, "ADM" means the formula ADM in the case of a school district, and the average daily membership reported under section 3317.03 of the Revised Code in the case of a joint vocational school district.

If, in the opinion of the ~~director of budget and management~~ department of education, the excess remaining in the school district property tax replacement fund in any year is not sufficient to warrant distribution under this division, the excess shall remain to the credit of the fund.

Amounts received by a school district or joint vocational school district under this division shall be used exclusively for capital improvements.

~~(H)~~ (I) From fiscal year 2002 through fiscal year 2016, if the total amount in the school district property tax replacement fund is insufficient to make all payments under divisions (C), (D), and (E) of this section, ~~the payments required under division (E) of this section shall be made first in their entirety. After all payments are made under division (E) of this section, payments under divisions (C) and (D) of this section shall be made from the balance of money available in the proportion of each school district's or joint vocational school district's payment amount to the total amount of payments under divisions (C) and (D) of this section at the time the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district property tax replacement fund the difference between the total amount to be paid and the total amount in the school district property tax replacement fund.~~

~~(J)~~ (J) If all or a part of the territory of a school district or joint vocational school district is merged with or transferred to another district, the department of education, in consultation with the tax commissioner shall adjust the payments made under this section to each of the districts in proportion to the tax value loss apportioned to the merged or transferred territory.

~~(K)~~ (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.

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.

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.

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 5727.84 of the Revised Code. Based on that certification, the director shall~~ compute the payments to be made to each local taxing unit for each year according to divisions (A)(1), (2), ~~and (3), and (4)~~ and division (E) of this section, and shall distribute the payments in the manner prescribed by division (C) of this section. The ~~certification calculation~~ of the fixed-sum levy loss shall cover a time period sufficient to include all fixed-sum levies for which the tax commissioner determined, pursuant to division (H) of section 5727.84 of the Revised Code, that a fixed-sum levy loss is to be reimbursed.

(1) Except as provided in ~~division~~ divisions (A)(3) and (4) of this section, for fixed-rate levy losses determined under division (G) of section 5727.84 of the Revised Code, payments shall be made in each of the following years at the following percentage of the fixed-rate levy loss certified under division (A) of this section:

YEAR	PERCENTAGE
2002	100%
2003	100%
2004	100%
2005	100%
2006	100%
2007	80%

2008	80%
2009	80%
2010	80%
2011	80%
2012	66.7%
2013	53.4%
2014	40.1%
2015	26.8%
2016	13.5%
2017 and thereafter	0%

(2) For fixed-sum levy losses determined under division (H) of section 5727.84 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss ~~certified under division (A) of this section~~ for payments required to be made in 2002 and thereafter.

(3) A local taxing unit in a county of less than two hundred fifty square miles that receives eighty per cent or more of its combined general fund and bond retirement fund revenues from property taxes and rollbacks based on 1997 actual revenues as presented in its 1999 tax budget, and in which electric companies and rural electric companies comprise over twenty per cent of its property valuation, shall receive one hundred per cent of its fixed-rate levy losses from electric company tax value losses certified under division (A) of this section in years 2002 to 2016.

(4) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 2006 through fiscal year 2016.

(B) Beginning in 2003, by the thirty-first day of January of each year, the tax commissioner shall review the ~~certification~~ calculation originally made under division (A) of this section of the fixed-sum levy loss determined under division (H) of section 5727.84 of the Revised Code. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year has expired, a revised ~~certification~~ calculation for that and all subsequent years shall be made.

(C) Payments to local taxing units required to be made under divisions (A) and (E) of this section shall be paid from the local government property tax replacement fund to the county undivided income tax fund in the proper county treasury. One-half of the amount certified under those divisions shall be paid ~~on or before each of the days prescribed for the settlements under~~

~~divisions (A) and (C) of section 321.24 of the Revised Code between the twenty-first and twenty-eighth days of August and of February.~~ The county treasurer shall distribute amounts paid under division (A) of this section to the proper local taxing unit as if they had been levied and collected as taxes, and the local taxing unit shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes. Amounts distributed under division (E) of this section shall be credited to the general fund of the local taxing unit that receives them.

(D) By February 5, 2002, the tax commissioner shall estimate the amount of money in the local government property tax replacement fund in excess of the amount necessary to make payments in that month under division (C) of this section. Notwithstanding division (A) of this section, the tax commissioner may pay any local taxing unit, from those excess funds, nine and four-tenths times the amount computed for 2002 under division (A)(1) of this section. A payment made under this division shall be in lieu of the payment to be made in February 2002 under division (A)(1) of this section. A local taxing unit receiving a payment under this division will no longer be entitled to any further payments under division (A)(1) of this section. A payment made under this division shall be paid from the local government property tax replacement fund to the county undivided income tax fund in the proper county treasury. The county treasurer shall distribute the payment to the proper local taxing unit as if it had been levied and collected as taxes, and the local taxing unit shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(E) On the thirty-first day of July of 2002, 2003, 2004, 2005, and 2006, and on the thirty-first day of January and July of 2007 and each year thereafter, if the amount credited to the local government property tax replacement fund exceeds the amount needed to be distributed from the fund under division (A) of this section in the following month, the ~~director of budget and management~~ tax commissioner shall distribute the excess to each county as follows:

(1) One-half shall be distributed to each county in proportion to each county's population.

(2) One-half shall be distributed to each county in the proportion that the amounts determined under divisions (G) and (H) of section 5727.84 of the Revised Code for all local taxing units in the county is of the total amounts so determined for all local taxing units in the state.

The amounts distributed to each county under this division shall be

distributed by the county ~~budget commission~~ treasurer to each local taxing unit in the county in the proportion that the unit's current taxes charged and payable are of the total current taxes charged and payable of all the local taxing units in the county. As used in this division, "current taxes charged and payable" means the taxes charged and payable as most recently determined for local taxing units in the county.

If, in the opinion of the ~~director of budget and management tax commissioner~~, the excess remaining in the local government property tax replacement fund in any year is not sufficient to warrant distribution under this division, the excess shall remain to the credit of the fund.

(F) ~~From fiscal year 2002 through fiscal year 2016, if~~ the total amount in the local government property tax replacement fund is insufficient to make all payments under division (C) of this section, ~~the payments required under division (A)(2) of this section shall be made first in their entirety. After all such payments are made, payments under divisions (A)(1) and (3) of this section shall be made from the balance of money available in the proportion of each local taxing unit's payment amount to the total amount of all payments to be made under divisions (A)(1) and (3) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government property tax replacement fund the difference between the total amount to be paid and the amount in the local government property tax replacement fund.~~

(G) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the tax value loss apportioned to the merged or annexed territory, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the tax commissioner not later than the first day of June of the calendar year in which the payment is to be made.

Sec. 5727.87. (A) As used in this section:

(1) "Administrative fees" means the dollar percentages allowed by the county auditor for services or by the county treasurer as fees, or paid to the credit of the real estate assessment fund, under divisions (A) and (B) of section 319.54 and division (A) of section 321.26 of the Revised Code.

(2) "Administrative fee loss" means a county's loss of administrative fees due to its tax value loss, determined as follows:

(a) For purposes of the determination made under division (B) of this section in the years 2002 through 2006, the administrative fee loss shall be computed by multiplying the amounts determined for all taxing districts in

the county under divisions (G) and (H) of section 5727.84 of the Revised Code by nine thousand six hundred fifty-nine ten-thousandths of a one per cent; if total taxes collected in the county in ~~tax year 1998~~ 1999 exceeded one hundred fifty million dollars, or one and one thousand one hundred fifty-nine ten-thousandths of a one per cent; if total taxes collected in the county in ~~tax year 1998~~ 1999 were one hundred fifty million dollars or less;

(b) For purposes of the determination under division (B) of this section in the years 2007 through 2011, the administrative fee loss shall be determined by subtracting from the dollar amount of administrative fees collected in the county in ~~tax year 1998~~ 1999, the dollar amount of administrative fees collected in the county in the current calendar year.

(3) "Total taxes collected" means all money collected on any tax duplicate of the county, other than the estate tax duplicates. "Total taxes collected" does not include amounts received pursuant to divisions (F) and (G) of section 321.24 or section 323.156 of the Revised Code.

(B) Not later than the thirty-first day of December of 2001 through 2005, the tax commissioner shall certify to each county auditor the tax levy losses calculated under divisions (G) and (H) of section 5727.84 of the Revised Code for each school district, joint vocational school district, and local taxing unit in the county. Not later than the ~~first~~ thirty-first day of ~~June~~ January of 2002 through 2011, the county auditor shall determine the administrative fee loss for the county and certify it to the county budget commission. Notwithstanding divisions (C), (D), and (E) of section 5727.85 and division (C) of section 5727.86 of the Revised Code, prior to distribution by the county treasurer of the payments provided under those divisions, the county budget commission shall deduct from those payments the amount of the administrative fee loss certified by the county auditor, as follows:

(1) Seventy per cent of the administrative fee loss shall be deducted from the payments provided under divisions (C), (D), and (E) of section 5727.85 of the Revised Code.

(2) Thirty per cent of the administrative fee loss shall be deducted from the payments provided under division (C) of section 5727.86 of the Revised Code and apportion that loss ratably among the school districts, joint vocational school districts, and local taxing units on the basis of the tax levy losses certified under this division.

(C) On or before each of the days prescribed for the 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

ocational school district, and local taxing unit from the portions of revenue payable to them.

(D) On or before each of the days prescribed for settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2002 through 2011, the county auditor shall cause to be deposited an amount equal to one-half of the amount of the administrative fee loss to the county auditor, county treasurer, or real estate assessment fund as if the amount had been allowed as administrative fees, and shall deposit the amount in the same funds as if allowed as administrative fees.

After payment of the administrative fee loss on or before August 10, 2011, all payments under this section shall cease.

Sec. 5728.08. Except as provided in section 5728.03 of the Revised Code and except as otherwise provided in this section, whoever is liable for the payment of the tax levied by section 5728.06 of the Revised Code, on or before the last day of each January, April, July, and October, shall file with the ~~treasurer of state~~ tax commissioner, on forms prescribed by the tax commissioner, a highway use tax return and make payment of the full amount of the tax due for the operation of each commercial car and commercial tractor for the next preceding three calendar months. If the commercial cars or commercial tractors are farm trucks and the amount of motor fuel used to operate the trucks during the next preceding twelve calendar months was less than fifteen thousand gallons, the highway use tax return shall be filed and the full amount of tax due paid on or before the last day of each July for the next preceding twelve calendar months. If the commercial cars or commercial tractors are farm trucks and the amount of motor fuel used to operate the trucks during the next preceding twelve calendar months was fifteen thousand gallons or more, the highway use tax return shall be filed and the full amount of the tax due paid either on or before the last day of each July for the next preceding twelve calendar months, or on or before the last day of each January, April, July, and October for the next preceding three calendar months, at the option of the person liable for payment of the tax. If the commercial cars or commercial tractors are not farm trucks, and if, in the estimation of the tax commissioner, the amount of the tax due does not warrant quarterly filing, the commissioner may authorize the filing of the highway use tax return and payment of the full amount due on or before the last day of each July for the next preceding twelve months.

~~Immediately upon the receipt of a highway use tax return, the treasurer of state shall mark on the return the date it was received by the treasurer of state and the amount of tax payment accompanying the return and shall~~

~~transmit the return to the~~ The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by section 5728.06 of the Revised Code.

The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of receipts from the taxes levied by section 5728.06 of the Revised Code, amounts equal to the refund certified by the tax commissioner pursuant to section 5728.061 of the Revised Code. Receipts from the tax shall be used by the tax commissioner to defray expenses incurred by the department of taxation in administering sections 5728.01 to 5728.14 of the Revised Code.

All moneys received in the state treasury from taxes levied by section 5728.06 of the Revised Code and fees assessed under sections 5728.02 and 5728.03 of the Revised Code which are not required to be placed to the credit of the tax refund fund as provided by this section shall, during each calendar year, be credited to the highway improvement bond retirement fund created by section 5528.12 of the Revised Code until the commissioners of the sinking fund certify to the treasurer of state, as required by section 5528.17 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year and during the next succeeding calendar year. From the date of the receipt of the certification required by section 5528.17 of the Revised Code by the treasurer of state until the thirty-first day of December of the calendar year in which the certification is made, all moneys received in the state treasury from taxes levied under section 5728.06 of the Revised Code and fees assessed under sections 5728.02 and 5728.03 of the Revised Code which are not required to be placed to the credit of the tax refund fund as provided by this section shall be credited to the highway obligations bond retirement fund created by section 5528.32 of the Revised Code until the commissioners of the sinking fund certify to the treasurer of state, as required by section 5528.38 of the Revised Code, that there are sufficient moneys to the credit of the highway obligations bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year and during the next succeeding calendar year. From the date of the receipt of the certification required by section 5528.38 of the

Revised Code by the treasurer of state until the thirty-first day of December of the calendar year in which the certification is made, all moneys received in the state treasury from taxes levied under section 5728.06 of the Revised Code and fees assessed under sections 5728.02 and 5728.03 of the Revised Code which are not required to be placed to the credit of the tax refund fund as provided by this section shall be credited to the highway operating fund created by section 5735.291 of the Revised Code, except as provided by the next succeeding paragraph of this section.

From the date of the receipt by the treasurer of state of certifications from the commissioners of the sinking fund, as required by sections 5528.18 and 5528.39 of the Revised Code, certifying that the moneys to the credit of the highway improvement bond retirement fund are sufficient to meet in full all payments of interest, principal, and charges for the retirement of all bonds and other obligations which may be issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code, and to the credit of the highway obligations bond retirement fund are sufficient to meet in full all payments of interest, principal, and charges for the retirement of all obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code, all moneys received in the state treasury from the taxes levied under section 5728.06 and fees assessed under sections 5728.02 and 5728.03 of the Revised Code, which are not required to be placed to the credit of the tax refund fund as provided by this section, shall be deposited to the credit of the highway operating fund.

As used in this section, "farm truck" means any commercial car or commercial tractor that is registered as a farm truck under Chapter 4503. of the Revised Code.

Sec. 5729.07. As used in this section:

(A) "Eligible employee" and "eligible training costs" have the same meanings as in section 5733.42 of the Revised Code.

(B) "Credit period" means the calendar year ending on the thirty-first day of December next preceding the day the annual statement is required to be returned under section 5729.02 of the Revised Code.

There is hereby allowed a nonrefundable credit against the tax imposed under this chapter for a foreign insurance company for which a tax credit certificate is issued under section 5733.42 of the Revised Code. The credit may be claimed for credit periods beginning on or after January 1, ~~2001~~ 2003, and ending on or before December 31, ~~2003~~ 2005. The amount of the credit for the credit period beginning on January 1, 2003, shall equal one-half of the average of the eligible training costs paid or incurred by the

company during ~~the three~~ calendar years ~~immediately preceding the credit period for which the credit is claimed~~ 1998, 1999, and 2000, not to exceed one thousand dollars for each eligible employee on account of whom eligible training costs were paid or incurred by the company. The amount of the credit for the credit period beginning on January 1, 2004, shall equal one-half of the average of the eligible training costs paid or incurred by the company 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 company. The amount of the credit for the credit period beginning on January 1, 2005, shall equal one-half of the average of the eligible training costs paid or incurred by the company 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 company. The credit claimed by a company for each credit period shall not exceed one hundred thousand dollars.

A foreign insurance company shall apply to the director of job and family services for a tax credit certificate in the manner prescribed by division (C) of section 5733.42 of the Revised Code. Divisions (C) to (H) of that section govern the tax credit allowed by this section, except that "credit period" shall be substituted for "tax year with respect to a calendar year" wherever that phrase appears in those divisions and that the company shall be considered a taxpayer for the purposes of those divisions.

A foreign insurance company may carry forward the credit allowed under this section to the extent that the credit exceeds the company's tax due for the credit period. The company 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.

The reduction in the tax due under this chapter to the extent of the credit allowed by this section does not increase the amount of the tax otherwise due under section 5729.06 of the Revised Code.

Sec. 5731.21. (A)(1)(a) Except as provided under division (A)(3) of this section, the executor or administrator, or, if no executor or administrator has been appointed, another person in possession of property the transfer of which is subject to estate taxes under section 5731.02 or division (A) of section 5731.19 of the Revised Code, shall file an estate tax return, within nine months of the date of the decedent's death, in the form prescribed by the tax commissioner, in duplicate, with the probate court of the county. The return shall include all property the transfer of which is subject to estate

taxes, whether that property is transferred under the last will and testament of the decedent or otherwise. The time for filing the return may be extended by the tax commissioner.

(b) The estate tax return described in division (A)(1)(a) of this section shall be accompanied by a certificate, in the form prescribed by the tax commissioner, that is signed by the executor, administrator, or other person required to file the return, and that states all of the following:

(i) The fact that the return was filed;

(ii) The date of the filing of the return;

(iii) The fact that the estate taxes under section 5731.02 or division (A) of section 5731.19 of the Revised Code, that are shown to be due in the return, have been paid in full;

(iv) If applicable, the fact that real property listed in the inventory for the decedent's estate is included in the return;

(v) If applicable, the fact that real property not listed in the inventory for the decedent's estate, including, but not limited to, survivorship tenancy property as described in section 5302.17 of the Revised Code or transfer on death property as described in sections 5302.22 and 5302.23 of the Revised Code, also is included in the return. In this regard, the certificate additionally shall describe that real property by the same description used in the return.

(2) The probate court shall forward one copy of the estate tax return described in division (A)(1)(a) of this section to the tax commissioner.

(3) A person may, but shall not be required to, file a return under division (A) of this section if the decedent was a resident of this state and the value of the decedent's gross estate is twenty-five thousand dollars or less in the case of a decedent dying on or after July 1, 1968, but before January 1, 2001; two hundred thousand dollars or less in the case of a decedent dying 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 tax is due, if the tax commissioner within three months after the receipt of the return by the department of taxation, fails to file exceptions to the return in the probate court of the county in which the return was filed. A copy of exceptions to a return of that nature, when the tax commissioner files them within that period, shall be sent by ordinary mail to the person who filed the return. The tax commissioner is not bound under this division by a determination that no estate tax is due, with respect to property not disclosed in the return.

(C) If the executor, administrator, or other person required to file an estate tax return fails to file it within nine months of the date of the decedent's death, the tax commissioner may determine the estate tax in that estate and issue a certificate of determination in the same manner as is

provided in division (B) of section 5731.27 of the Revised Code. A certificate of determination of that nature has the same force and effect as though a return had been filed and a certificate of determination issued with respect to the return.

Sec. 5733.02. Annually, between the first day of January and the thirty-first day of March or on or before the date as extended under section 5733.13 of the Revised Code, each taxpayer shall make a report in writing to the ~~treasurer of state~~ tax commissioner in such form as the tax commissioner prescribes, and shall remit to the ~~treasurer of state~~ commissioner, with the remittance made payable to the treasurer of state, the amount of the tax as shown to be due by such report less the amount paid for the year on a declaration of estimated tax report filed by the taxpayer as provided by section 5733.021 of the Revised Code. Remittance shall be made in the form prescribed by the ~~treasurer of state~~ commissioner, including electronic funds transfer if required by section 5733.022 of the Revised Code. ~~The treasurer shall show on the report the date it was filed and the amount of the payment remitted to the treasurer. Thereafter, the treasurer shall immediately transmit all reports filed under this section to the tax commissioner.~~

The commissioner shall furnish corporations, on request, copies of the forms prescribed by the commissioner for the purpose of making such report. A domestic corporation shall not dissolve, and a foreign corporation shall not withdraw or retire from business in Ohio, on or after the first day of January in any year without making a franchise tax report to the commissioner and paying or securing the tax charged for the year in which such dissolution or withdrawal occurs.

The annual corporation report shall be signed by the president, vice-president, secretary, treasurer, general manager, superintendent, or managing agent in this state of such corporation. If a domestic corporation has not completed its organization, its annual report shall be signed by one of its incorporators.

The report shall contain the facts, figures, computations, and attachments that result in the tax charged by this chapter and determined in the manner provided within the chapter.

Sec. 5733.021. (A) Each taxpayer which does not in the month of January file the report and make the payment required by section 5733.02 of the Revised Code shall make and file a declaration of estimated tax report for the tax year.

The declaration of estimated tax report shall be filed with the ~~treasurer of state~~ tax commissioner on or before the last day of January in such form as prescribed by the tax commissioner, and shall reflect an estimate of the

total amount due under this chapter for the tax year.

(B) A taxpayer required to file a declaration of estimated tax report shall make remittance of such estimated tax to the ~~treasurer of state~~ tax commissioner as follows:

(1) The entire estimated tax at the time of filing the declaration of estimated tax report, if such estimated tax is not in excess of the minimum tax as provided in section 5733.06 of the Revised Code;

(2) If the estimated tax is in excess of the minimum tax:

(a) One-third of the estimated tax at the time of filing the declaration of estimated tax report;

(b) Two-thirds of the estimated tax on or before the last day of March of the tax year, unless the report and payment required by section 5733.02 of the Revised Code ~~is~~ are filed and paid on or before the last day of March of the tax year;

(3) If the estimated tax due is in excess of the minimum tax, and an extension of time for filing the report required by section 5733.02 of the Revised Code has been granted pursuant to section 5733.13 of the Revised Code;

(a) One-third of the estimated tax at the time of filing the declaration of estimated tax report;

(b) One-third of the estimated tax on or before the last day of March of the tax year;

(c) One-third of the estimated tax on or before the last day of May of the tax year, unless the report and payments required by section 5733.02 of the Revised Code are filed and paid on or before the last day of May of the tax year.

Remittance of the estimated tax shall be made payable to the treasurer of state and shall be made in the form prescribed by the ~~treasurer of state~~ tax commissioner, including electronic funds transfer if required by section 5733.022 of the Revised Code.

~~The tax commissioner shall immediately forward to the treasurer of state all amounts received under this section, and the treasurer of state shall credit all payments of such estimated tax as provided in section 5733.12 of the Revised Code, shall show on all reports the date each was filed and the amount of payment remitted, and shall immediately transmit all reports filed under this section to the tax commissioner.~~

Sec. 5733.053. (A) As used in this section:

(1) "Transfer" means a transaction or series of related transactions in which a corporation directly or indirectly transfers or distributes substantially all of its assets or equity to another corporation, if the transfer

or distribution qualifies for nonrecognition of gain or loss under the Internal Revenue Code.

(2) "Transferor" means a corporation that has made a transfer.

(3) "Transferee" means a corporation that received substantially all of the assets or equity of a transferor in a transfer.

(B) ~~For~~ Except as provided in division (F) of this section, for purposes of valuing its issued and outstanding shares of stock under division (B) of section 5733.05 of the Revised Code, a transferee shall add to its net income allocated or apportioned to this state its transferor's net income allocated or apportioned to this state. The transferee shall add such income in computing its tax for the same tax year or years that such income would have been reported by the transferor if the transfer had not been made. The transferee shall add such income only to the extent the income is not required to be reported by the transferor for the purposes of the tax imposed by divisions (A) and (B) of section 5733.06 of the Revised Code.

(C) The following shall be determined in the same manner as if the transfer had not been made:

(1) The transferor's net income allocated or apportioned to this state for the tax year under divisions (B)(1) and (2) of section 5733.05 of the Revised Code;

(2) The transferor's requirements for the combination of net income under section 5733.052 of the Revised Code;

(3) Any other determination regarding the transferor that is necessary to avoid an absurd or unreasonable result in the application of this chapter.

(D) A transferee shall be allowed the following credits and shall make the following adjustments in the same manner that they would have been available to the transferor:

(1) The credits enumerated in section 5733.98 of the Revised Code;

(2) The deduction under division (I)(1) of section 5733.04 of the Revised Code for net operating losses incurred by its transferor, subject to the limitations set forth in sections 381 and 382 of the Internal Revenue Code concerning net operating loss carryovers;

(3) Any other deduction from or addition to net income under this chapter involving the transferor, the disallowance of which would be absurd or unreasonable. Such adjustments to net income and allowance of credits shall be subject to the limitations set forth in sections 381 and 382 of the Internal Revenue Code and regulations prescribed thereunder.

(E) If a transferee subject to this section subsequently becomes a transferor, any net income that the transferee would have been required to add under division (B) of this section shall be included in its income as a

transferor and any credits or adjustments to which the transferee would have been entitled under division (D) of this section shall be available to it as a transferor.

(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.

Sec. 5733.056. (A) As used in this section:

(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.

(2) "Borrower or credit card holder located in this state" means:

(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

(b) A borrower that is not engaged in a trade or business, or a credit card holder, whose billing address is in this state.

(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.

(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 constitute gross income to such employees under the Internal Revenue Code shall be made as though such employees were subject to the Internal Revenue Code.

(5) "Credit card" means a credit, travel, or entertainment card.

(6) "Credit card issuer's reimbursement fee" means the fee a taxpayer receives from a merchant's bank because one of the persons to whom the taxpayer has issued a credit card has charged merchandise or services to the credit card.

(7) "Deposits" has the meaning given in section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813(1), as amended.

(8) "Employee" means, with respect to a particular taxpayer, any individual who under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee of that taxpayer.

(9) "Gross rents" means the actual sum of money or other consideration payable for the use or possession of property. "Gross rents" includes:

(a) Any amount payable for the use or possession of real property or tangible personal property whether designated as a fixed sum of money or as a percentage of receipts, profits, or otherwise;

(b) Any amount payable as additional rent or in lieu of rent, such as interest, taxes, insurance, repairs, or any other amount required to be paid by the terms of a lease or other arrangement; and

(c) A proportionate part of the cost of any improvement to real property made by or on behalf of the taxpayer which reverts to the owner or lessor upon termination of a lease or other 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 or other mortgage-backed or asset-backed security; and other similar items.

(11) "Loan secured by real property" means that fifty per cent or more of the aggregate value of the collateral used to secure a loan or other obligation, when valued at fair market value as of the time the original loan or obligation was incurred, was real property.

(12) "Merchant discount" means the fee, or negotiated discount, charged to a merchant by the taxpayer for the privilege of participating in a program whereby a credit card is accepted in payment for merchandise or services sold to the card holder.

(13) "Participation" means an extension of credit in which an undivided ownership interest is held on a pro rata basis in a single loan or pool of loans and related collateral. In a loan participation, the credit originator initially makes the loan and then subsequently resells all or a portion of it to other lenders. The participation may or may not be known to the borrower.

(14) "Principal base of operations" with respect to transportation property means the place of more or less permanent nature from which the property is regularly directed or controlled. With respect to an employee, the "principal base of operations" means the place of more or less permanent nature from which the employee regularly (a) starts work and to which the employee customarily returns in order to receive instructions from the employer or (b) communicates with the employee's customers or other persons or (c) performs any other functions necessary to the exercise of the trade or profession at some other point or points.

(15) "Qualified institution" means a financial institution that on or after June 1, 1997:

(a)(i) Has consummated one or more approved transactions with insured banks with different home states that would qualify under section 102 of the "Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994," Public Law 103-328, 108 ~~stat.~~ Stat. 2338;

(ii) Is a federal savings association or federal savings bank that has consummated one or more interstate acquisitions that result in a financial institution that has branches in more than one state; or

(iii) Has consummated one or more approved interstate acquisitions under authority of Title XI of the Revised Code that result in a financial institution that has branches in more than one state; and

(b) Has at least ten per cent of its deposits in this state as of the last day of June prior to the beginning of the tax year.

(16) "Real property owned" and "tangible personal property owned" mean real and tangible personal property, respectively, on which the taxpayer may claim depreciation for federal income tax purposes, or to which the taxpayer holds legal title and on which no other person may claim

depreciation for federal income tax purposes, or could claim depreciation if subject to federal income tax. Real and tangible personal property do not include coin, currency, or property acquired in lieu of or pursuant to a foreclosure.

(17) "Regular place of business" means an office at which the taxpayer carries on its business in a regular and systematic manner and which is continuously maintained, occupied, and used by employees of the taxpayer.

(18) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States.

(19) "Syndication" means an extension of credit in which two or more persons fund and each person is at risk only up to a specified percentage of the total extension of credit or up to a specified dollar amount.

(20) "Transportation property" means vehicles and vessels capable of moving under their own power, such as aircraft, trains, water vessels and motor vehicles, as well as any equipment or containers attached to such property, such as rolling stock, barges, trailers, or the like.

(B) The annual financial institution report determines the value of the issued and outstanding shares of stock of the taxpayer, and is the base or measure of the franchise tax liability. Such determination shall be made as of the date shown by the report to have been the beginning of the financial institution's annual accounting period that includes the first day of January of the tax year. For purposes of this section, division (A) of section 5733.05, and division (D) of section 5733.06 of the Revised Code, the value of the issued and outstanding shares of stock of the financial institution shall include the total value, as shown by the books of the financial institution, of its capital, surplus, whether earned or unearned, undivided profits, and reserves, but exclusive of:

(1) Reserves for accounts receivable, depreciation, depletion, and any other valuation reserves with respect to specific assets;

(2) Taxes due and payable during the year for which such report was made;

(3) Voting stock and participation certificates in corporations chartered pursuant to the "Farm Credit Act of 1971," 85 Stat. 597, 12 U.S.C. 2091, as amended;

(4) Good will, appreciation, and abandoned property as set up in the annual report of the financial institution, provided a certified balance sheet of the company is made available upon the request of the tax commissioner. Such balance sheet shall not be a part of the public records, but shall be a confidential report for use of the tax commissioner only.

(5) A portion of the value of the issued and outstanding shares of stock of such financial institution equal to the amount obtained by multiplying such value by the quotient obtained by:

(a) Dividing (1) the amount of the financial institution's assets, as shown on its books, represented by investments in the capital stock and indebtedness of public utilities of which at least eighty per cent of the utility's issued and outstanding common stock is owned by the financial institution by (2) the total assets of such financial institution as shown on its books;

(b) Dividing (1) the amount of the financial institution's assets, as shown on its books, represented by investments in the capital stock and indebtedness of insurance companies of which at least eighty per cent of the insurance company's issued and outstanding common stock is owned by the financial institution by (2) the total assets of such financial institution as shown on its books;

(c) Dividing (1) the amount of the financial institution's assets, as shown on its books, represented by investments in the capital stock and indebtedness of other financial institutions of which at least twenty-five per cent of the other financial institution's issued and outstanding common stock is owned by the financial institution by (2) the total assets of the financial institution as shown on its books. Division (B)(5)(c) of this section applies only with respect to such other financial institutions that for the tax year immediately following the taxpayer's taxable year will pay the tax imposed by division (D) of section 5733.06 of the Revised Code.

(6) Land that has been determined pursuant to section 5713.31 of the Revised Code by the county auditor of the county in which the land is located to be devoted exclusively to agricultural use as of the first Monday of June in the financial institution's taxable year.

(7) Property within this state used exclusively during the taxable year for qualified research as defined in section 5733.05 of the Revised Code.

(C) The base upon which the tax levied under division (D) of section 5733.06 of the Revised Code shall be computed by multiplying the value of a financial institution's issued and outstanding shares of stock as determined in division (B) of this section by a fraction. The numerator of the fraction is the sum of the following: the property factor multiplied by fifteen, the payroll factor multiplied by fifteen, and the sales factor multiplied by seventy. The denominator of the fraction is one hundred, provided that the denominator shall be reduced by fifteen if the property factor has a denominator of zero, by fifteen if the payroll factor has a denominator of zero, and by seventy if the sales factor has a denominator of zero.

(D) A financial institution shall calculate the property factor as follows:

(1) The property factor is a fraction, the numerator of which is the average value of real property and tangible personal property rented to the taxpayer that is located or used within this state during the taxable year, the average value of real and tangible personal property owned by the taxpayer that is located or used within this state during the taxable year, and the average value of the taxpayer's loans and credit card receivables that are located within this state during the taxable year; and the denominator of which is the average value of all such property located or used within and without this state during the taxable year.

(2)(a) The value of real property and tangible personal property owned by the taxpayer is the original cost or other basis of such property for federal income tax purposes without regard to depletion, depreciation, or amortization.

(b) Loans are valued at their outstanding principal balance, without regard to any reserve for bad debts. If a loan is charged-off in whole or in part for federal income tax purposes, the portion of the loan charged-off is not outstanding. A specifically allocated reserve established pursuant to financial accounting guidelines which is treated as charged-off for federal income tax purposes shall be treated as charged-off for purposes of this section.

(c) Credit card receivables are valued at their outstanding principal balance, without regard to any reserve for bad debts. If a credit card receivable is charged-off in whole or in part for federal income tax purposes, the portion of the receivable charged-off is not outstanding.

(3) The average value of property owned by the taxpayer is computed on an annual basis by adding the value of the property on the first day of the taxable year and the value on the last day of the taxable year and dividing the sum by two. If averaging on this basis does not properly reflect average value, the tax commissioner may require averaging on a more frequent basis. The taxpayer may elect to average on a more frequent basis. When averaging on a more frequent basis is required by the tax commissioner or is elected by the taxpayer, the same method of valuation must be used consistently by the taxpayer with respect to property within and without this state and on all subsequent returns unless the taxpayer receives prior permission from the tax commissioner or the tax commissioner requires a different method of determining value.

(4)(a) The average value of real property and tangible personal property that the taxpayer has rented from another and is not treated as property owned by the taxpayer for federal income tax purposes, shall be determined

annually by multiplying the gross rents payable during the taxable year by eight.

(b) Where the use of the general method described in division (D)(4)(a) of this section results in inaccurate valuations of rented property, any other method which properly reflects the value may be adopted by the tax commissioner or by the taxpayer when approved in writing by the tax commissioner. Once approved, such other method of valuation must be used on all subsequent returns unless the taxpayer receives prior approval from the tax commissioner or the tax commissioner requires a different method of valuation.

(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.

(6)(a)(i) A loan, other than a loan or advance described in division (D)(6)(d) of this section, is considered to be located within this state if it is properly assigned to a regular place of business of the taxpayer within this state.

(ii) A loan is properly assigned to the regular place of business with which it has a preponderance of substantive contacts. A loan assigned by the taxpayer to a regular place of business without the state shall be presumed to have been properly assigned if:

(I) The taxpayer has assigned, in the regular course of its business, such loan on its records to a regular place of business consistent with federal or state regulatory requirements;

(II) Such assignment on its records is based upon substantive contacts of the loan to such regular place of business; and

(III) The taxpayer uses the records reflecting assignment of loans for the

filing of all state and local tax returns for which an assignment of loans to a regular place of business is required.

(iii) The presumption of proper assignment of a loan provided in division (D)(6)(a)(ii) of this section may be rebutted upon a showing by the tax commissioner, supported by a preponderance of the evidence, that the preponderance of substantive contacts regarding such loan did not occur at the regular place of business to which it was assigned on the taxpayer's records. When such presumption has been rebutted, the loan shall then be located within this state if (1) the taxpayer had a regular place of business within this state at the time the loan was made; and (2) the taxpayer fails to show, by a preponderance of the evidence, that the preponderance of substantive contacts regarding such load did not occur within this state.

(b) In the case of a loan which is assigned by the taxpayer to a place without this state which is not a regular place of business, it shall be presumed, subject to rebuttal by the taxpayer on a showing supported by the preponderance of evidence, that the preponderance of substantive contacts regarding the loan occurred within this state if, at the time the loan was made the taxpayer's commercial domicile was within this state.

(c) To determine the state in which the preponderance of substantive contacts relating to a loan have occurred, the facts and circumstances regarding the loan at issue shall be reviewed on a case-by-case basis and consideration shall be given to such activities as the solicitation, investigation, negotiation, approval, and administration of the loan. The terms "solicitation," "investigation," "negotiation," "approval," and "administration" are defined as follows:

(i) "Solicitation" is either active or passive. Active solicitation occurs when an employee of the taxpayer initiates the contact with the customer. Such activity is located at the regular place of business which the taxpayer's employee is regularly connected with or working out of, regardless of where the services of such employee were actually performed. Passive solicitation occurs when the customer initiates the contact with the taxpayer. If the customer's initial contact was not at a regular place of business of the taxpayer, the regular place of business, if any, where the passive solicitation occurred is determined by the facts in each case.

(ii) "Investigation" is the procedure whereby employees of the taxpayer determine the creditworthiness of the customer as well as the degree of risk involved in making a particular agreement. Such activity is located at the regular place of business which the taxpayer's employees are regularly connected with or working out of, regardless of where the services of such employees were actually performed.

(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.

(iv) "Approval" is the procedure whereby employees or the board of directors of the taxpayer make the final determination whether to enter into the agreement. Such activity is located at the regular place of business to which the taxpayer's employees are regularly connected or working from, regardless of where the services of such employees were actually performed. If the board of directors makes the final determination, such activity is located at the commercial domicile of the taxpayer.

(v) "Administration" is the process of managing the account. This process includes bookkeeping, collecting the payments, corresponding with the customer, reporting to management regarding the status of the agreement, and proceeding against the borrower or the security interest if the borrower is in default. Such activity is located at the regular place of business that oversees this activity.

(d) A loan or advance to a subsidiary corporation at least fifty-one per cent of whose common stock is owned by the financial institution shall be allocated in and out of the state by the application of a ratio whose numerator is the sum of the net book value of the subsidiary's real property owned in this state and the subsidiary's tangible personal property owned in this state and whose denominator is the sum of the subsidiary's real property owned wherever located and the subsidiary's tangible personal property owned wherever located. For purposes of calculating this ratio, the taxpayer shall determine net book value in accordance with generally accepted accounting principles. If the subsidiary corporation owns at least fifty-one per cent of the common stock of another corporation, the ratio shall be calculated by including the other corporation's real property and tangible personal property. The calculation of the ratio applies with respect to all lower-tiered subsidiaries, provided that the immediate parent corporation of the subsidiary owns at least fifty-one per cent of the common stock of that subsidiary.

(7) For purposes of determining the location of credit card receivables, credit card receivables shall be treated as loans and shall be subject to division (D)(6) of this section.

(8) A loan that has been properly assigned to a state shall, absent any change of material fact, remain assigned to that state for the length of the

original term of the loan. Thereafter, the loan may be properly assigned to another state if the loan has a preponderance of substantive contact to a regular place of business there.

(E) A financial institution shall calculate the payroll factor as follows:

(1) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid both within and without this state during the taxable year.

(2) Compensation is paid in this state if any one of the following tests, applied consecutively, is met:

(a) The employee's services are performed entirely within this state.

(b) The employee's services are performed both within and without this state, but the service performed without this state is incidental to the employee's service within this state. The term "incidental" means any service which is temporary or transitory in nature, or which is rendered in connection with an isolated transaction.

(c) The employee's services are performed both within and without this state, and:

(i) The employee's principal base of operations is within this state; or

(ii) There is no principal base of operations in any state in which some part of the services are performed, but the place from which the services are directed or controlled is in this state; or

(iii) The principal base of operations and the place from which the services are directed or controlled are not in any state in which some part of the service is performed but the employee's residence is in this state.

(F) A financial institution shall calculate the sales factor as follows:

(1) The sales factor is a fraction, the numerator of which is the receipts of the taxpayer in this state during the taxable year and the denominator of which is the receipts of the taxpayer within and without this state during the taxable year. The method of calculating receipts for purposes of the denominator is the same as the method used in determining receipts for purposes of the numerator.

(2) The numerator of the sales factor includes receipts from the lease or rental of real property owned by the taxpayer if the property is located within this state, or receipts from the sublease of real property if the property is located within this state.

(3)(a) Except as described in division (F)(3)(b) of this section the numerator of the sales factor includes receipts from the lease or rental of tangible personal property owned by the taxpayer if the property is located within this state when it is first placed in service by the lessee.

(b) Receipts from the lease or rental of transportation property owned by the taxpayer are included in the numerator of the sales 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 receipts that is to be included in the numerator of this state's sales factor is determined by multiplying all the receipts from the lease or rental of the aircraft by a fraction, the numerator of which is the number of landings of the aircraft in this state and the denominator of which is the total number of landings of the aircraft. If the extent of the use of any transportation property within this state cannot be determined, then the property will be deemed to be used wholly in the state in which the property has its principal base of operations. A motor vehicle will be deemed to be used wholly in the state in which it is registered.

(4)(a) The numerator of the sales factor includes interest and fees or penalties in the nature of interest from loans secured by real property if the property is located within this state. If the property is located both within this state and one or more other states, the receipts described in this paragraph are included in the numerator of the sales factor if more than fifty per cent of the fair market value of the real property is located within this state. If more than fifty per cent of the fair market value of the real property is not located within any one state, then the receipts described in this paragraph shall be included in the numerator of the sales factor if the borrower is located in this state.

(b) The determination of whether the real property securing a loan is located within this state shall be made as of the time the original agreement was made and any and all subsequent substitutions of collateral shall be disregarded.

(5) The numerator of the sales factor includes interest and fees or penalties in the nature of interest from loans not secured by real property if the borrower is located in this state.

(6) The numerator of the sales factor includes net gains from the sale of loans. Net gains from the sale of loans includes income recorded under the coupon stripping rules of section 1286 of the Internal Revenue Code.

(a) The amount of net gains, but not less than zero, from the sale of loans secured by real property included in the numerator is determined by multiplying such net gains by a fraction the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(4) of this section and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

(b) The amount of net gains, but not less than zero, from the sale of

loans not secured by real property included in the numerator is determined by multiplying such net gains by a fraction the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(5) of this section and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

(7) The numerator of the sales factor includes interest and fees or penalties in the nature of interest from credit card receivables and receipts from fees charged to card holders, such as annual fees, if the billing address of the card holder is in this state.

(8) The numerator of the sales factor includes net gains, but not less than zero, from the sale of credit card receivables multiplied by a fraction, the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(7) of this section and the denominator of which is the taxpayer's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders.

(9) The numerator of the sales factor includes all credit card issuer's reimbursement fees multiplied by a fraction, the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(7) of this section and the denominator of which is the taxpayer's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders.

(10) The numerator of the sales factor includes receipts from merchant discount if the commercial domicile of the merchant is in this state. Such receipts shall be computed net of any card holder charge backs, but shall not be reduced by any interchange transaction fees or by any issuer's reimbursement fees paid to another for charges made by its card holders.

(11)(a)(i) The numerator of the sales factor includes loan servicing fees derived from loans secured by real property multiplied by a fraction the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(4) of this section and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

(ii) The numerator of the sales factor includes loan servicing fees derived from loans not secured by real property multiplied by a fraction the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(5) of this section and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

(b) In circumstances in which the taxpayer receives loan servicing fees for servicing either the secured or the unsecured loans of another, the numerator of the sales factor shall include such fees if the borrower is located in this state.

(12) The numerator of the sales factor includes receipts from services not otherwise apportioned under this section if the service is performed in this state. If the service is performed both within and without this state, the numerator of the sales factor includes receipts from services not otherwise apportioned under this section, if a greater proportion of the income producing activity is performed in this state based on cost of performance.

(13)(a) Interest, dividends, net gains, but not less than zero, and other income from investment assets and activities and from trading assets and activities shall be included in the sales factor. Investment assets and activities and trading assets and activities include but are not limited to: investment securities; trading account assets; federal funds; securities purchased and sold under agreements to resell or repurchase; options; futures contracts; forward contracts; notional principal contracts such as swaps; equities; and foreign currency transactions. With respect to the investment and trading assets and activities described in divisions (F)(13)(a)(i) and (ii) of this section, the sales factor shall include the amounts described in such divisions.

(i) The sales factor shall include the amount by which interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements.

(ii) The sales factor shall include the amount by which interest, dividends, gains, and other income from trading assets and activities, including, but not limited to, assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from such assets and activities.

(b) The numerator of the sales factor includes interest, dividends, net gains, but not less than zero, and other income from investment assets and activities and from trading assets and activities described in division (F)(13)(a) of this section that are attributable to this state.

(i) The amount of interest, other than interest described in division (F)(13)(b)(iv) of this section, dividends, other than dividends described in that division, net gains, but not less than zero, and other income from investment assets and activities in the investment account to be attributed to this state and included in the numerator is determined by multiplying all

such income from such assets and activities by a fraction, the numerator of which is the average value of such assets which are properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the average value of all such assets.

(ii) The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this state and included in the numerator is determined by multiplying the amount described in division (F)(13)(a)(i) of this section from such funds and such securities by a fraction, the numerator of which is the average value of federal funds sold and securities purchased under agreements to resell which are properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the average value of all such funds and such securities.

(iii) The amount of interest, dividends, gains, and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book, and foreign currency transaction, but excluding amounts described in division (F)(13)(b)(i) or (ii) of this section, attributable to this state and included in the numerator is determined by multiplying the amount described in division (F)(13)(a)(ii) of this section by a fraction, the numerator of which is the average value of such trading assets which are properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the average value of all such assets.

(iv) The amount of dividends received on the capital stock of, and the amount of interest received from loans and advances to, subsidiary corporations at least fifty-one per cent of whose common stock is owned by the reporting financial institution shall be allocated in and out of this state by the application of a ratio whose numerator is the sum of the net book value of the payor's real property owned in this state and the payor's tangible personal property owned in this state and whose denominator is the sum of the net book value of the payor's real property owned wherever located and the payor's tangible personal property owned wherever located. For purposes of calculating this ratio, the taxpayer shall determine net book value in accordance with generally accepted accounting principles.

(v) For purposes of this division, average value shall be determined using the rules for determining the average value of tangible personal property set forth in division (D)(2) and (3) of this section.

(c) In lieu of using the method set forth in division (F)(13)(b) of this section, the taxpayer may elect, or the tax commissioner may require in

order to fairly represent the business activity of the taxpayer in this state, the use of the method set forth in division (F)(13)(c) of this section.

(i) The amount of interest, other than interest described in division (F)(13)(b)(iv) of this section, dividends, other than dividends described in that division, net gains, but not less than zero, and other income from investment assets and activities in the investment account to be attributed to this state and included in the numerator is determined by multiplying all such income from such assets and activities by a fraction, the numerator of which is the gross income from such assets and activities which are properly assigned to a regular place of business of the taxpayer within this state, and the denominator of which is the gross income from all such assets and activities.

(ii) The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this state and included in the numerator is determined by multiplying the amount described in division (F)(13)(a)(i) of this section from such funds and such securities by a fraction, the numerator of which is the gross income from such funds and such securities which are properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the gross income from all such funds and such securities.

(iii) The amount of interest, dividends, gains, and other income from trading assets and activities, including, but not limited to, assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, but excluding amounts described in division (F)(13)(a)(i) or (ii) of this section, attributable to this state and included in the numerator, is determined by multiplying the amount described in division (F)(13)(a)(ii) of this section by a fraction, the numerator of which is the gross income from such trading assets and activities which are properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the gross income from all such assets and activities.

(iv) The amount of dividends received on the capital stock of, and the amount of interest received from loans and advances to, subsidiary corporations at least fifty-one per cent of whose common stock is owned by the reporting financial institution shall be allocated in and out of this state by the application of a ratio whose numerator is the sum of the net book value of the payor's real property owned in this state and the payor's tangible personal property owned in this state and whose denominator is the sum of the payor's real property owned wherever located and the payor's tangible personal property owned wherever located. For purposes of calculating this

ratio, the taxpayer shall determine net book value in accordance with generally accepted accounting principles.

(d) If the taxpayer elects or is required by the tax commissioner to use the method set forth in division (F)(13)(c) of this section, it shall use this method on all subsequent returns unless the taxpayer receives prior permission from the tax commissioner to use or the tax commissioner requires a different method.

(e) The taxpayer shall have the burden of proving that an investment asset or activity or trading asset or activity was properly assigned to a regular place of business outside of this state by demonstrating that the day-to-day decisions regarding the asset or activity occurred at a regular place of business outside this state. Where the day-to-day decisions regarding an investment asset or activity or trading asset or activity occur at more than one regular place of business and one such regular place of business is in this state and one such regular place of business is outside this state such asset or activity shall be considered to be located at the regular place of business of the taxpayer where the investment or trading policies or guidelines with respect to the asset or activity are established. Unless the taxpayer demonstrates to the contrary, such policies and guidelines shall be presumed to be established at the commercial domicile of the taxpayer.

(14) The numerator of the sales factor includes all other receipts if either:

(a) The income-producing activity is performed solely in this state; or

(b) The income-producing activity is performed both within and without this state and a greater proportion of the income-producing activity is performed within this state than in any other state, based on costs of performance.

(G) A qualified institution may calculate the base upon which the fee provided for in division (D) of section 5733.06 ~~(D)~~ of the ~~revised code~~ Revised Code is determined for each of the tax years 1998, 1999, 2000, ~~and 2001, 2002, and 2003~~ by multiplying the value of its issued and outstanding shares of stock determined under division (B) of this section by a single deposits fraction whose numerator is the deposits assigned to branches in this state and whose denominator is the deposits assigned to branches everywhere. Deposits shall be assigned to branches in the same manner in which the assignment is made for regulatory purposes. If the base calculated under this division is less than the base calculated under division (C) of this section, then the qualifying institution may elect to substitute the base calculated under this division for the base calculated under division (C) of this section. Such election may be made annually for each of the tax years

1998, 1999, 2000, ~~and 2001, 2002, and 2003~~ on the corporate report. The election need not accompany the report; rather, the election may accompany a subsequently filed but timely application for refund, a subsequently filed but timely amended report, or a subsequently filed but timely petition for reassessment. The election is not irrevocable and it applies only to the specified tax year. Nothing in this division shall be construed to extend any statute of limitations set forth in this chapter

(H) If the apportionment provisions of this section do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the tax commissioner may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

- (1) Separate accounting;
- (2) The exclusion of any one or more of the factors;
- (3) The inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this state; or
- (4) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's value.

Sec. 5733.06. The tax hereby charged each corporation subject to this chapter shall be the greater of the sum of divisions (A) and (B) of this section, after the reduction, if any, provided by division (J) of this section, or division (C) of this section, after the reduction, if any, provided by division (J) of this section, except that the tax hereby charged each financial institution subject to this chapter shall be the amount computed under division (D) of this section:

(A) Except as set forth in division (F) of this section, five and one-tenth per cent upon the first fifty thousand dollars of the value of the taxpayer's issued and outstanding shares of stock as determined under division (B) of section 5733.05 of the Revised Code;

(B) Except as set forth in division (F) of this section, eight and one-half per cent upon the value so determined in excess of fifty thousand dollars; or

(C) Except as otherwise provided under division (G) of this section, four mills times that portion of the value of the issued and outstanding shares of stock as determined under division (C) of section 5733.05 of the Revised Code. For the purposes of division (C) of this section, division (C)(2) of section 5733.065, and division (C) of section 5733.066 of the Revised Code, the value of the issued and outstanding shares of stock of a qualified holding company is zero.

(D) The tax charged each financial institution subject to this chapter shall be that portion of the value of the issued and outstanding shares of stock as determined under division (A) of section 5733.05 of the Revised

Code, multiplied by the following amounts:

- (1) For tax years prior to the 1999 tax year, fifteen mills;
- (2) For the 1999 tax year, fourteen mills;
- (3) For tax year 2000 and thereafter, thirteen mills.

(E) No tax shall be charged from any corporation that has been adjudicated bankrupt, or for which a receiver has been appointed, or that has made a general assignment for the benefit of creditors, except for the portion of the then current tax year during which the tax commissioner finds such corporation had the power to exercise its corporate franchise unimpaired by such proceedings or act. The minimum payment for all corporations shall be fifty dollars.

The tax charged to corporations under this chapter for the privilege of engaging in business in this state, which is an excise tax levied on the value of the issued and outstanding shares of stock, shall in no manner be construed as prohibiting or otherwise limiting the powers of municipal corporations, joint economic development zones created under section 715.691 of the Revised Code, and joint economic development districts created under section 715.70 or 715.71 or sections 715.72 to 715.81 of the Revised Code in this state to impose an income tax on the income of such corporations.

(F) If two or more taxpayers satisfy the ownership or control requirements of division (A) of section 5733.052 of the Revised Code, each such taxpayer shall substitute "the taxpayer's pro-rata amount" for "fifty thousand dollars" in divisions (A) and (B) of this section. For purposes of this division, "the taxpayer's pro-rata amount" is an amount that, when added to the other such taxpayers' pro-rata amounts, does not exceed fifty thousand dollars. For the purpose of making that computation, the taxpayer's pro-rata amount shall not be less than zero. Nothing in this division derogates from or eliminates the requirement to make the alternative computation of tax under division (C) of this section.

(G) The tax liability of any corporation under division (C) of this section shall not exceed one hundred fifty thousand dollars.

(H)(1) For the purposes of division (H) of this section, "exiting corporation" means a corporation that satisfies all of the following conditions:

(a) The corporation had nexus with or in this state under the Constitution of the United States during any portion of a calendar year;

(b) The corporation was not a corporation described in division (A) of section 5733.01 of the Revised Code on the first day of January immediately following that calendar year;

(c) The corporation was not a financial institution on the first day of January immediately following that calendar year;

(d) If the corporation was a transferor as defined in section 5733.053 of the Revised Code, the corporation's transferee was not required to add to the transferee's net income the income of the transferor pursuant to division (B) of that section;

(e) During any portion of that calendar year, or any portion of the immediately preceding calendar year, the corporation had net income that was not included in a report filed by the corporation or its transferee pursuant to section 5733.02, 5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code;

(f) The corporation would have been subject to the tax computed under divisions (A), (B), (C), (F), and (G) of this section if the corporation is assumed to be a corporation described in division (A) of section 5733.01 of the Revised Code on the first day of January immediately following the calendar year to which division (H)(1)(a) of this section refers.

(2) For the purposes of division (H) of this section, "unreported net income" means net income that was not previously included in a report filed pursuant to section 5733.02, 5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code and that was realized or recognized during the calendar year to which division (H)(1) of this section refers or the immediately preceding calendar year.

(3) Each exiting corporation shall pay a tax computed by first allocating and apportioning the unreported net income pursuant to division (B) of section 5733.05 and section 5733.051 and, if applicable, section 5733.052 of the Revised Code. The exiting corporation then shall compute the tax due on its unreported net income allocated and apportioned to this state by applying divisions (A), (B), and (F) of this section to that income.

(4) Divisions (C) and (G) of this section, division (D)(2) of section 5733.065, and division (C) of section 5733.066 of the Revised Code do not apply to an exiting corporation, but exiting corporations are subject to every other provision of this chapter.

(5) Notwithstanding division (B) of section 5733.01 or sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the contrary, each exiting corporation shall report and pay the tax due under division (H) of this section on or before the thirty-first day of May immediately following the calendar year to which division (H)(1)(a) of this section refers. The exiting corporation shall file that report on the form most recently prescribed by the tax commissioner for the purposes of complying with sections 5733.02 and 5733.03 of the Revised Code. Upon request by the corporation,

the tax commissioner may extend the date for filing the report.

(6) If, on account of the application of section 5733.053 of the Revised Code, net income is subject to the tax imposed by divisions (A) and (B) of this section, such income shall not be subject to the tax imposed by division (H)(3) of this section.

(7) The amendments made to division (H) of this section by Am. Sub. S.B. 287 of the 123rd general assembly do not apply to any transfer, as defined in section 5733.053 of the Revised Code, for which negotiations began prior to January 1, 2001, and that was commenced in and completed during calendar year 2001, unless the taxpayer makes an election prior to December 31, 2001, to apply those amendments.

(8) The tax commissioner may adopt rules governing division (H) of this section.

(I) Any reference in the Revised Code to "the tax imposed by section 5733.06 of the Revised Code" or "the tax due under section 5733.06 of the Revised Code" includes the taxes imposed under sections 5733.065 and 5733.066 of the Revised Code.

(J)(1) Division (J) of this section applies solely to a combined company. Section 5733.057 of the Revised Code shall apply when calculating the adjustments required by division (J) of this section.

(2) Subject to division (J)(4) of this section, the total tax calculated in divisions (A) and (B) of this section shall be reduced by an amount calculated by multiplying such tax by a fraction, the numerator of which is the total taxable gross receipts attributed to providing public utility activity other than as an electric company under section 5727.03 of the Revised Code for the year upon which the taxable gross receipts are measured immediately preceding the tax year, and the denominator of which is the total gross receipts from all sources for the year upon which the taxable gross receipts are measured immediately preceding the tax year. Nothing herein shall be construed to exclude from the denominator any item of income described in section 5733.051 of the Revised Code.

(3) Subject to division (J)(4) of this section, the total tax calculated in division (C) of this section shall be reduced by an amount calculated by multiplying such tax by the fraction described in division (J)(2) of this section.

(4) In no event shall the reduction provided by division (J)(2) or (J)(3) of this section exceed the amount of the excise tax paid in accordance with section 5727.38 of the Revised Code, for the year upon which the taxable gross receipts are measured immediately preceding the tax year.

Sec. 5733.12. (A) Four and two-tenths per cent of all payments received

~~by the treasurer of state~~ from the taxes imposed under sections 5733.06 and 5733.41 of the Revised Code shall be credited to the local government fund for distribution in accordance with section 5747.50 of the Revised Code, six-tenths of one per cent shall be credited to the local government revenue assistance fund for distribution in accordance with section 5747.61 of the Revised Code, and ninety-five and two-tenths per cent shall be credited to the general revenue fund.

(B) Except as otherwise provided under divisions (C) and (D) of this section, an application to refund to the corporation the amount of taxes imposed under section 5733.06 of the Revised Code that are overpaid, paid illegally or erroneously, or paid on any illegal, erroneous, or excessive assessment, with interest thereon as provided by section 5733.26 of the Revised Code, shall be filed with the tax commissioner, on the form prescribed by the commissioner, within three years from the date of the illegal, erroneous, or excessive payment of the tax, or within any additional period allowed by division (C)(2) of section 5733.031, division (D)(2) of section 5733.067, or division (A) of section 5733.11 of the Revised Code.

On the filing of the refund application, the commissioner shall determine the amount of refund due and certify such amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code.

(C) "Ninety days" shall be substituted for "three years" in division (B) of this section if the taxpayer satisfies both of the following:

(1) The taxpayer has applied for a refund based in whole or in part upon section 5733.0611 of the Revised Code;

(2) The taxpayer asserts that the imposition or collection of the tax imposed or charged by section 5733.06 of the Revised Code or any portion of such tax violates the Constitution of the United States or the Constitution of this state.

(D)(1) Division (D)(2) of this section applies only if all of the following conditions are satisfied:

(a) A qualifying pass-through entity pays an amount of the tax imposed by section 5733.41 of the Revised Code;

(b) The taxpayer is a qualifying investor as to that qualifying pass-through entity;

(c) The taxpayer did not claim the credit provided for in section 5733.0611 of the Revised Code as to the tax described in 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 December 31, 1981, four million dollars received by the treasurer of state under this chapter~~ the total amount certified in each year less an amount to be retained by the department of taxation for expenses resulting from the administration of the taxes or surcharges levied under sections 5733.065 and 5733.066 of the Revised Code shall be credited to the recycling and litter prevention fund created by section 1502.02 of the Revised Code. ~~Thereafter, during each of the consecutive six month periods beginning January 1, 1982, five million dollars from amounts received by the treasurer of state under this chapter shall be credited to that fund.~~ No amount shall be credited to the local government fund from any receipts credited to the recycling and litter prevention fund under this section.

The office of budget and mangement shall provide the treasurer of state with a monthly schedule in accordance with which the amounts shall be credited.

Sec. 5733.18. Annually, on the day fixed for the payment of any excise or franchise tax required to be paid by law, such tax, together with any penalties subsequently accruing thereon, shall become a lien on all property in this state of a corporation, whether such property is employed by the corporation in the prosecution of its business or is in the hands of an assignee, trustee, or receiver for the benefit of the creditors and stockholders. Such lien shall continue until such taxes, together with any penalties subsequently accruing, are paid.

Upon failure of such corporation to pay such tax on the day fixed for payment, ~~the treasurer of state shall thereupon notify~~ the tax commissioner ~~and the commissioner~~ may file, for which filing no fee shall be charged, in the office of the county recorder in each county in this state in which such corporation owns or has a beneficial interest in real estate, notice of such

lien containing a brief description of such real estate. Such lien shall not be valid as against any mortgagee, purchaser, or judgment creditor whose rights have attached prior to the time such notice is so filed in the county in which the real estate which is the subject of such mortgage, purchase, or judgment lien is located. Such notice shall be recorded in a book kept by the recorder, called the corporation franchise lien record, and indexed under the name of the corporation charged with such tax. When such tax, together with any penalties subsequently accruing thereon, has been paid, the tax commissioner shall furnish to the corporation an acknowledgment of such payment which the corporation may record with the recorder of each county in which notice of such lien has been filed, for which recording the recorder shall charge and receive a fee of two dollars.

Sec. 5733.351. (A) As used in this section, "qualified research expenses" has the same meaning as in section 41 of the Internal Revenue Code.

(B)(1) A nonrefundable credit is allowed against the tax imposed by section 5733.06 of the Revised Code for tax year 2002 for a taxpayer whose taxable year for tax year 2002 ended before July 1, 2001. The credit shall equal seven per cent of the excess of qualified research expenses incurred in this state by the taxpayer between January 1, 2001, and the end of the taxable year, over the taxpayer's average annual qualified research expenses incurred in this state for the three preceding taxable years.

(2) A nonrefundable credit also is allowed against the tax imposed by section 5733.06 of the Revised Code for each tax year, commencing with tax year 2004. The credit shall equal seven per cent of the excess of qualified research expenses incurred in this state by the taxpayer for the taxable year over the taxpayer's average annual qualified research expenses incurred in this state for the three preceding taxable years. The

(3) The taxpayer shall claim the credit allowed under division (B)(1) or (2) of this section in the order required under by section 5733.98 of the Revised Code. Any credit amount in excess of the tax due under section 5733.06 of the Revised Code, after allowing for any other credits that precede the credit under this section in the order required under section 5733.98 of the Revised Code, may be carried forward for seven taxable years, but the amount of the excess credit allowed in any such year shall be deducted from the balance carried forward to the next year.

(C) In the case of a qualifying controlled group, the credit allowed under division (B)(1) or (2) of this section to taxpayers in the qualifying controlled group shall be computed as if all corporations in the qualifying controlled group were a consolidated, single taxpayer. The credit shall be allocated to

such taxpayers in any amount elected for the taxable year by the qualifying controlled group. The election shall be revocable and amendable during the period prescribed by division (B) of section 5733.12 of the Revised Code.

Sec. 5733.401. (A) As used in this section:

(1) "Investment pass-through entity" means a pass-through entity having for its qualifying taxable year at least ninety per cent of its gross income from transaction fees in connection with the acquisition, ownership, or disposition of intangible property, loan fees, financing fees, consent fees, waiver fees, application fees, net management fees, dividend income, interest income, net capital gains from the sale or exchange of intangible property, or distributive shares of income from pass-through entities; and having for its qualifying taxable year at least ninety per cent of the net book value of its assets represented by intangible assets. Such percentages shall be the quarterly average of those percentages as calculated during the pass-through entity's taxable year.

(2) "Net management fees" means management fees that a pass-through entity earns or receives from all sources, reduced by management fees that the pass-through entity incurs or pays to any person.

(B) For the purposes of divisions (A) and (C) of this section only, an investment in a pass-through entity shall be deemed to be an investment in an intangible asset.

(C) Except as otherwise provided in division (D) of this section, for the purposes of division (A) of section 5733.40 of the Revised Code, an investment pass-through entity shall exclude from the calculation of the adjusted qualifying amount all transaction fees in connection with the acquisition, ownership, or disposition of intangible property; loan fees; financing fees; consent fees; waiver fees; application fees; net management fees, but if such fees exceed five per cent of the entity's net income calculated in accordance with generally accepted accounting principles, all net management fees shall be included in the calculation of the adjusted qualifying amount; dividend income; interest income; net capital gains from the sale or exchange of intangible property; and all types and classifications of income attributable to distributive shares of income from other pass-through entities. Nothing in this division shall be construed to provide for an exclusion of any item from adjusted qualifying amount more than once.

(D) Sections 5733.057 and 5747.231 of the Revised Code do not apply for the purposes of making the determinations required by division (A) of this section or claiming the exclusion provided by division (C) of this section.

Sec. 5733.42. (A) As used in this section:

(1) "Eligible training program" means a program to provide job skills to eligible employees who are unable effectively to function on the job due to skill deficiencies or who would otherwise be displaced because of their skill deficiencies or inability to use new technology, or to provide job skills to eligible employees that enable them to perform other job duties for the taxpayer. Eligible training programs do not include executive, management, or personal enrichment training programs, or training programs intended exclusively for personal career development.

(2) "Eligible employee" means an individual who is employed in this state by a taxpayer and has been so employed by the same taxpayer for at least one hundred eighty consecutive days before the day an application for the credit is filed under this section. "Eligible employee" does not include any employee for which a credit is claimed pursuant to division (A)(5) of section 5709.65 of the Revised Code for all or any part of the same year, an employee who is not a full-time employee, or executive or managerial personnel except for the immediate supervisors of nonexecutive, nonmanagerial personnel.

(3) "Eligible training costs" means:

(a) Direct instructional costs, such as instructor salaries, materials and supplies, textbooks and manuals, videotapes, and other instructional media and training equipment used exclusively for the purpose of training eligible employees;

(b) Wages paid to eligible employees for time devoted exclusively to an eligible training program during normal paid working hours.

(4) "Full-time employee" means an individual who is employed for consideration for at least thirty-five hours per week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(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.

(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.

(C) A taxpayer who proposes to conduct an eligible training program may apply to the director of job and family services for a tax credit certificate under this section. The taxpayer may apply for such a certificate ~~for each tax year with respect to a calendar year in which the taxpayer paid or incurred eligible training costs~~ tax years 2004, 2005, and 2006, subject to division (L) of this section. The director shall prescribe the form of the application, which shall require a detailed description of the proposed training program. The director may require applicants to remit an application fee with each application filed with the director. The fee shall not exceed the reasonable and necessary expenses incurred by the director in receiving, reviewing, and approving such applications and issuing tax credit certificates. Proceeds from fees shall be used solely for the purpose of receiving, reviewing, and approving such applications and issuing such certificates.

After receipt of an application, the director shall authorize a credit under this section by issuing a tax credit certificate, in the form prescribed by the director, if the director determines all of the following:

- (1) The proposed training program is an eligible training program under this section;
- (2) The proposed training program is economically sound and will benefit the people of this state by improving workforce skills and strengthening the economy of this state;
- (3) Receiving the tax credit is a major factor in the taxpayer's decision to go forward with the training program;

(4) Authorization of the credit is consistent with division (H) of this section.

The credit also is allowed for a taxpayer that is a partner in a partnership that pays or incurs eligible training costs. Such a taxpayer shall determine the taxpayer's credit amount in the manner prescribed by division (K) of this section.

(D) If the director of job and family services denies an application for a tax credit certificate, the director shall send notice of the denial and the reason for denial to the applicant by certified mail, return receipt requested. If the director determines that an authorized training program, as actually conducted, fails to meet the requirements of this section or to comply with any condition set forth in the authorization, the director may reduce the amount of the tax credit previously granted. If the director reduces a tax credit, the director shall send notice of the reduction and the reason for the reduction to the taxpayer by certified mail, return receipt requested, and shall certify the reduction to the tax commissioner or, in the case of the reduction of a credit claimed by an insurance company, the superintendent of insurance. The tax commissioner or superintendent of insurance shall reduce the credit that may be claimed by the taxpayer accordingly. Within sixty days after receiving a notice of denial or notice of reduction of the tax credit, an applicant or taxpayer may request, in writing, a hearing before the director to review the denial or reduction. Within sixty days after receiving a request that is filed within the prescribed time, the director shall hold such a hearing at a location to be determined by the director. Within thirty days after the hearing is adjourned, the director shall issue a redetermination affirming, reversing, or modifying the denial or reduction of the tax credit and send notice of the redetermination to the applicant or taxpayer by certified mail, return receipt requested, and shall issue a notice of the redetermination to the tax commissioner or superintendent of insurance. If an applicant or taxpayer is aggrieved by the director's redetermination, the applicant or taxpayer may appeal the redetermination to the board of tax appeals in the manner prescribed by section 5717.02 of the Revised Code.

(E) A taxpayer to which a tax credit certificate is issued shall retain records indicating the eligible training costs it pays or incurs for the eligible training program for which the certificate is issued for four years following the end of the tax year for which the credit is claimed. Such records shall be open to inspection by the director of job and family services upon the director's request during business hours.

Financial statements and other information submitted by an applicant to the director of job and family services for a tax credit under this section, and

any information taken for any purpose from such statements or information, are not public records subject to section 149.43 of the Revised Code. However, the director of job and family services, the tax commissioner, or superintendent of insurance may make use of the statements and other information for purposes of issuing public reports or in connection with court proceedings concerning tax credits allowed under this section and sections 5725.31, 5729.07, and 5747.39 of the Revised Code.

(F) The director of job and family services, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section and sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The rules shall be adopted after consultation with the tax commissioner and the superintendent of insurance. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons and ranking minority members of the standing committees in the senate and the house of representatives to which legislation on economic development matters are customarily referred.

(G) On or before the thirtieth day of September of 2001, ~~2002~~, 2003, ~~and 2004~~, 2005, and 2006, the director of job and family services shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the tax credit program under this section and sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The report shall include information on the number of training programs that were authorized under those sections during the preceding calendar year, a description of each authorized training program, the dollar amounts of the credits granted, and an estimate of the impact of the credits on the economy of this state.

(H) The aggregate amount of credits authorized under this section and sections 5725.31, 5729.07, and 5747.39 of the Revised Code shall not exceed twenty million dollars per calendar year. No more than ten million dollars in credits per calendar year shall be authorized for persons engaged primarily in manufacturing. No less than five million dollars in credits per calendar year shall be set aside for persons engaged primarily in activities other than manufacturing and having fewer than five hundred employees. Subject to such limits, credits shall be authorized for applicants meeting the requirements of this section in the order in which they submit complete and accurate applications.

(I) A nonrefundable credit allowed under this section shall be claimed in the order required under section 5733.98 of the Revised Code.

(J) The taxpayer may carry forward any credit amount in excess of its

tax due after allowing for any other credits that precede the credit under this section in the order required under section 5733.98 of the Revised Code. The excess credit may be carried forward for three years following the tax year for which it is first claimed under this section.

(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.

(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.

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:

(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;

(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 purchases or shipments; the name of the carrier; the number of gallons contained in each car if shipped by rail; the point of origin, destination, and shipper if shipped by pipe line; or the name and owner of the boat, barge, or vessel if shipped by water;

(3) An itemized statement of the number of gallons of motor fuel which such motor fuel dealer has during the preceding calendar month:

(a) For motor fuel other than gasoline sold for use other than for operating motor vehicles on the public highways or on waters within the boundaries of this state;

(b) Exported from this state to any other state or foreign country as provided in division (A)(3) of section 5735.05 of the Revised Code;

(c) Sold to the United States government or any of its agencies;

(d) Sold for delivery to motor fuel dealers;

(e) Sold exclusively for use in the operation of aircraft;

(4) Such other information incidental to the enforcement of the motor fuel laws of the state as the commissioner requires.

(B) The report shall show the tax due, computed as follows:

(1) The following deductions shall be made from the total number of gallons of motor fuel received by the motor fuel dealer within the state during the preceding calendar month:

(a) The total number of gallons of motor fuel received by the motor fuel dealer within the state and sold or otherwise disposed of during the preceding calendar month as set forth in section 5735.05 of the Revised Code;

(b) The total number of gallons received during the preceding calendar month and sold or otherwise disposed of to another licensed motor fuel dealer pursuant to section 5735.05 of the Revised Code;

(c) To cover the costs of the motor fuel dealer in compiling the report, and evaporation, shrinkage, or other unaccounted-for losses:

(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;

(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;

(iii) If the report is incomplete, no deduction shall be allowed for any fuel on which the tax is not timely reported and paid;

(2) The number of gallons remaining after the deductions have been made shall be multiplied separately by each of the following amounts:

(a) The cents per gallon rate;

(b) Two cents.

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.

(C) The report shall be filed together with payment of the tax shown on the report to be due, unless the motor fuel dealer is required by section 5735.062 of the Revised Code to pay the tax by electronic funds transfer, in

which case the dealer shall file the report pursuant to this section and pay the tax pursuant to section 5735.062 of the Revised Code. The commissioner may extend the time for filing reports and may remit all or part of penalties which may become due under sections 5735.01 to 5735.99 of the Revised Code. ~~The treasurer of state shall stamp or otherwise mark on all returns the date received by the treasurer and shall also show thereon by stamp or otherwise the amount of payment received for the month for which the report is filed. Thereafter, the treasurer of state shall immediately transmit all reports filed under this section to the commissioner.~~ For purposes of this section and sections 5735.062 and 5735.12 of the Revised Code, a report required to be filed under this section is considered filed when it is received by the ~~treasurer of state~~ tax commissioner, and remittance of the tax due is considered to be made when the remittance is received by the ~~treasurer of state~~ tax commissioner or when credited to an account designated by the treasurer of state and the tax commissioner for the receipt of tax remittances. The tax commissioner shall immediately forward to the treasurer of state all amounts received under this section.

(D) The tax commissioner may require a motor fuel dealer to file a report for a period other than one month. Such a report, together with payment of the tax, shall be filed not later than thirty days after the last day of the prescribed reporting period.

(E) No person required by this section to file a tax report shall file a false or fraudulent tax report or supporting schedule.

Sec. 5735.061. (A) By the fifteenth day of June of 1988, 1989, 1990, 1991, 1992, and 1993, the tax commissioner shall certify to each dealer the following:

(1) The cents per gallon rate computed for the period that begins on the first day of July of the current year pursuant to section 5735.011 of the Revised Code;

(2) The difference between the cents per gallon rate presently in effect and the cents per gallon rate referred to in division (A)(1) of this section.

(B) By the thirty-first day of July of each year each motor fuel dealer shall file with the ~~treasurer of state~~ tax commissioner, on forms prescribed by the commissioner, a report signed by the motor fuel dealer showing the total number of gallons of all motor fuel that is held in the inventory of such motor fuel dealer as of the beginning of business on the first day of July of such year and on which the motor fuel tax has been paid.

(C) If the cents per gallon rate referred to in division (A)(1) of this section is greater than the cents per gallon rate it replaced, each motor fuel dealer shall pay to the ~~treasurer of state~~ tax commissioner, upon the filing of

the report under division (B) of this section, an amount equal to the product obtained by multiplying the gallonage referred to in division (B) of this section by the cents per gallon rate difference referred to in division (A)(2) of this section. ~~Taxes collected pursuant to~~ The tax commissioner shall immediately forward to the treasurer of state all money collected under this section, and such money shall be treated as revenue arising from the tax levied pursuant to section 5735.05 of the Revised Code.

(D) If the cents per gallon rate referred to in division (A)(1) of this section is lower than the cents per gallon rate it replaced, each motor fuel dealer shall be entitled to a refund in an amount equal to the product obtained by multiplying the gallonage referred to in division (B) of this section by the cents per gallon rate difference referred to in division (A)(2) of this section. Within forty-five days from the date the motor fuel dealer files a report pursuant to division (B) of this section, the tax commissioner shall certify the amount of the refund to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code.

Sec. 5739.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.

(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever:

(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted;

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;

(3) All transactions by which:

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would be exempt from the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would be exempt from the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility

ce;

(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;

(d) Industrial laundry cleaning services are or are to be provided;

(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An affiliated group means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights.

(f) Telecommunications service is provided that originates or terminates in this state and is charged in the records of the telecommunications service vendor to the consumer's telephone number or account in this state, or that both originates and terminates in this state; but does not include transactions by which telecommunications service is paid for by using a prepaid authorization number or prepaid telephone calling card, or by which local telecommunications service is obtained from a coin-operated telephone and paid for by using coin;

(g) Landscaping and lawn care service is or is to be provided;

(h) Private investigation and security service is or is to be provided;

(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;

(j) Building maintenance and janitorial service is or is to be provided;

(k) Employment service is or is to be provided;

(l) Employment placement service is or is to be provided;

(m) Exterminating service is or is to be provided;

(n) Physical fitness facility service is or is to be provided;

(o) Recreation and sports club service is or is to be provided.

(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;

(5) The production or fabrication of tangible personal property for a

consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract. The transfer of copyrighted motion picture films for exhibition purposes is not a sale, except such films as are used solely for advertising purposes. Other than as provided in this section, "sale" and "selling" do not include professional, insurance, or personal service transactions ~~which~~ that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used directly in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, if the corporation is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal

property of the consumer is or is to be provided;

(8) All transactions by which a prepaid authorization number or a prepaid telephone calling card is or is to be transferred.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary medicine, surgery, and dentistry. In addition to being consumers of drugs administered by them or by their assistants according to their direction, veterinarians also are consumers of drugs that under federal law may be dispensed only by or upon the order of a licensed veterinarian or physician, when transferred by them to others for a consideration to provide treatment to animals as directed by the veterinarian.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E)(1) of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer

of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exception under division (E)(8) of this section for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E)(1) of this section.

(E) "Retail sale" and "sales at retail" include all sales except those in which the purpose of the consumer is:

(1) To resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person;

(2) To incorporate the thing transferred as a material or a part, into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining, or to use or consume the thing transferred directly in producing a product for sale by mining, including without limitation the extraction from the earth of all substances ~~which~~ that are classed geologically as minerals, production of crude oil and natural gas, farming, agriculture, horticulture, or floriculture, and persons engaged in rendering farming, agricultural, horticultural, or floricultural services, and services in the exploration for, and production of, crude oil and natural gas, for others are deemed engaged directly in farming, agriculture, horticulture, and floriculture, or exploration for, and production of, crude oil and natural gas; directly in the rendition of a public utility service, except that the sales tax levied by section 5739.02 of the Revised Code shall be collected upon all meals, drinks, and food for human consumption sold upon Pullman and railroad coaches. This paragraph does not exempt or except from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(3) To hold the thing transferred as security for the performance of an obligation of the vendor;

(4) To use or consume the thing transferred in the process of reclamation as required by Chapters 1513. and 1514. of the Revised Code;

(5) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;

(6) To use or consume the thing directly in commercial fishing;

(7) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;

(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;

(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;

(10) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as defined in division (B)(7) of this section, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would be exempt on its purchase from the tax imposed by section 5739.02 of the Revised Code;

(11) To use the thing transferred as qualified research and development equipment;

(12) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. Division (E)(12) of this section does not apply to motor vehicles registered for operation on the public highways. As used in division (E)(12) of this section, "affiliated group" has the same meaning as in division (B)(3)(e) of this section and "direct marketing" has the same meaning as in division (B)(37) of section 5739.02 of the Revised Code.

(13) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of this section;

(14) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(15) To use tangible personal property to perform a service listed in division (B)(3) of this section, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service.

As used in division (E) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of this section.

Sales conducted through a coin-operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction, are not retail sales or sales at retail.

(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds.

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds ~~self~~ itself out to the public as conducting such business. Making a casual sale is not engaging in business.

(H)(1) "Price," except as provided in divisions (H)(2) and (3) of this section, means the aggregate value in money of anything paid or delivered, or promised to be paid or delivered, in the complete performance of a retail sale, without any deduction on account of the cost of the property sold, cost of materials used, labor or service cost, interest, discount paid or allowed after the sale is consummated, or any other expense. If the retail sale consists of the rental or lease of tangible personal property, "price" means the aggregate value in money of anything paid or delivered, or promised to be paid or delivered, in the complete performance of the rental or lease, without any deduction for tax, interest, labor or service charge, damage liability waiver, termination or damage charge, discount paid or allowed after the lease is consummated, or any other expense. The sales tax shall be calculated and collected by the lessor on each payment made by the lessee. Price does not include the consideration received as a deposit refundable to the consumer upon return of a beverage container, the consideration received as a deposit on a carton or case that is used for such returnable containers, or the consideration received as a refundable security deposit for the use of tangible personal property to the extent that it actually is

refunded, if the consideration for such refundable deposit is separately stated from the consideration received or to be received for the tangible personal property transferred in the retail sale. Such separation must appear in the sales agreement or on the initial invoice or initial billing rendered by the vendor to the consumer. Price is the amount received inclusive of the tax, provided the vendor establishes to the satisfaction of the tax commissioner that the tax was added to the price. When the price includes both a charge for tangible personal property and a charge for providing a service and the sale of the property and the charge for the service are separately taxable, or have a separately determinable tax status, the price shall be separately stated for each such charge so the tax can be correctly computed and charged.

The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized in section 5739.12 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of such tax.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in division (H)(3) of this section, "watercraft" includes an outdrive unit attached to the watercraft.

(I) "Receipts" means the total amount of the prices of the sales of vendors, provided that cash discounts allowed and taken on sales at the time they are consummated are not included, minus any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code. "Receipts" does not include the sale price of property returned or services rejected by consumers when the full sale price and tax are refunded either in cash or by

credit.

(J) "Place of business" means any location at which a person engages in business.

(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.

(L) "Casual sale" means a sale of an item of tangible personal property ~~which that~~ was obtained by the person making the sale, through purchase or otherwise, for the person's own use in this state and ~~which~~ was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use ~~which that~~ are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether ~~such the~~ rooms are in one or several structures.

(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed, regardless of whether the vendor is a delivery vendor.

(P) "Used directly in the rendition of a public utility service" means that property which is to be incorporated into and will become a part of the consumer's production, transmission, transportation, or distribution system and ~~which that~~ retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation,

or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used in providing a public utility service as defined in this division.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county ~~which~~ that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority ~~which~~ that includes territory in more than one county must include all the area of the most populous county ~~which~~ that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county ~~which~~ that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county ~~which~~ that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything

described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;

(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;

(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(i) Providing credit information to users of such information by a

consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;

(j) Providing debt collection services by any oral, written, graphic, or electronic means.

The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.

(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA) "Telecommunications service" means the transmission of any interactive, two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium such as wires, cables, microwaves, cellular radio, radio waves, light waves, or any combination of those or similar media. "Telecommunications service" includes message toll service even though the vendor provides the message toll service by means of wide area transmission type service or private communications service purchased from another telecommunications service provider, but does not include any of the following:

(1) Sales of incoming or outgoing wide area transmission service or wide area transmission type service, including eight hundred or eight-hundred-type service, to the person contracting for the receipt of that service;

(2) Sales of private communications service to the person contracting for the receipt of that service that entitles the purchaser to exclusive or priority use of a communications channel or group of channels between

exchanges;

(3) Sales of telecommunications service by companies subject to the excise tax imposed by Chapter 5727. of the Revised Code;

(4) Sales of telecommunications service to a provider of telecommunications service, including access services, for use in providing telecommunications service;

(5) Value-added nonvoice services in which computer processing applications are used to act on the form, content, code, or protocol of the information to be transmitted;

(6) Transmission of interactive video programming by a cable television system as defined in section 505.90 of the Revised Code.

(BB) "Industrial laundry cleaning services" means removing soil or dirt from or supplying towels, linens, or articles of clothing that belong to others and are used in a trade or business.

(CC) "Magazines distributed as controlled circulation publications" means magazines containing at least twenty-four pages, at least twenty-five per cent editorial content, issued at regular intervals four or more times a year, and circulated without charge to the recipient, provided that such magazines are not owned or controlled by individuals or business concerns which conduct such publications as an auxiliary to, and essentially for the advancement of the main business or calling of, those who own or control them.

(DD) "Landscaping and lawn care service" means the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. However, "landscaping and lawn care service" does not include the providing of such services by a person who has less than five thousand dollars in sales of such services during the calendar year.

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does

not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, giving consultation or advice, playing or making a voice or other recording, making or keeping a record of the number of callers, and any other service provided to a consumer by means of a nine hundred telephone call, except when the nine hundred telephone call is the means by which the consumer makes a contribution to a recognized charity.

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform research and development. Tangible personal property primarily used in testing, as defined in division (A)(4) of section 5739.011 of the Revised Code, or used for recording or storing test results, is not qualified research and development equipment unless such property is primarily used by the consumer in testing the product, equipment, or manufacturing process being created, designed, or formulated by the consumer in the research and development activity or in recording or storing such test results.

(II) "Building maintenance and janitorial service" means cleaning the interior or exterior of a building and any tangible personal property located therein or thereon, including any services incidental to such cleaning for which no separate charge is made. However, "building maintenance and janitorial service" does not include the providing of such service by a person who has less than five thousand dollars in sales of such service during the calendar year.

(JJ) "Employment service" means providing or supplying personnel, on a temporary or long-term basis, to perform work or labor under the supervision or control of another, when the personnel so supplied receive their wages, salary, or other compensation from the provider of the service. "Employment service" does not include:

- (1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.
- (2) Medical and health care services.

(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.

(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.

(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.

(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.

(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

(OO) "Livestock" means farm animals commonly raised for food or food production, and includes but is not limited to cattle, sheep, goats, swine, and poultry. "Livestock" does not include invertebrates, fish, amphibians, reptiles, horses, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

(QQ) "Horticulture" means the growing, cultivation, and production of

flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Prepaid authorization number" means a numeric or alphanumeric combination that represents a prepaid account that can be used by the account holder solely to obtain telecommunications service, and includes any renewals or increases in the prepaid account.

(2) "Prepaid telephone calling card" means a tangible item that contains a prepaid authorization number that can be used solely to obtain telecommunications service, and includes any renewals or increases in the prepaid account.

Sec. 5739.02. For the purpose of providing revenue with which to meet

the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A) The tax shall be collected pursuant to the schedules in section 5739.025 of the Revised Code.

The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

In the case of a sale, the price of which consists in whole or in part of rentals for the use of the thing transferred, the tax, as regards such rentals, shall be measured by the installments thereof.

In the case of a sale of a service defined under division (MM) or (NN) of section 5739.01 of the Revised Code, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers, and of magazine subscriptions shipped by second class mail, and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to section 5735.14 of the Revised Code and shall cause the amount deducted to be paid

into the general revenue fund of this state;

(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telephone or telegraph company, all terms as defined in section 5727.01 of the Revised Code;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization, except that sales made by separate student clubs and other groups of students of a primary or secondary school, and sales made by a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school, shall not be considered to be sales of such school, and sales by each such club, group, association, or organization shall be counted separately for purposes of the six-day limitation. This division does not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution of the United States;

(11) The transportation of persons or property, unless the transportation is by a private investigation and security service;

(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.

"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 support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or sales to a home for the aged for use in the operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision thereof, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by this state or any of its

itical subdivisions, or by the United States government or any of its agencies at the time of completion of such structures or improvements; building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building materials and services sold to a construction contractor for incorporation into a building under a construction contract with an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 when the building is to be used exclusively for the organization's exempt purposes; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; and building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons engaged in any of the activities mentioned in division (E)(2) or (9) of section 5739.01 of the Revised Code, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, and "packaging" means placing therein.

(16) Sales of food to persons using food stamp ~~coupons~~ benefits to purchase the food. As used in division (B)(16) of this section, "food" has the same meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal regulations adopted pursuant to that act.

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption directly in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption directly in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs dispensed by a licensed pharmacist upon the order of a licensed health professional authorized to prescribe drugs to a human being, as the term "licensed health professional authorized to prescribe drugs" is defined in section 4729.01 of the Revised Code; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with end-stage renal disease; hospital beds when purchased for use by persons with medical problems for medical purposes; and oxygen and oxygen-dispensing equipment when purchased for use by persons with medical problems for medical purposes;

(19) Sales of artificial limbs or portion thereof, breast prostheses, and other prosthetic devices for humans; braces or other devices for supporting weakened or nonfunctioning parts of the human body; wheelchairs; devices used to lift wheelchairs into motor vehicles and parts and accessories to such devices; crutches or other devices to aid human perambulation; and items of tangible personal property used to supplement impaired functions of the human body such as respiration, hearing, or elimination. No exemption under this division shall be allowed for nonprescription drugs, medicines, or remedies; items or devices used to supplement vision; items or devices whose function is solely or primarily cosmetic; or physical fitness equipment. This division does not apply to sales to a physician or medical facility for use in the treatment of a patient.

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;

(21) Sales of tangible personal property manufactured in this state, if

sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state upon the presentation of an affidavit executed in this state by the nonresident purchaser affirming that the purchaser is a nonresident of this state, that possession of the motor vehicle is taken in this state for the sole purpose of immediately removing it from this state, that the motor vehicle will be permanently titled and registered in another state, and that the motor vehicle will not be used in this state;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and 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;

(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:

(a) To prepare food for human consumption for sale;

(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;

(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.

(28) Sales of animals by nonprofit animal adoption services or county humane societies;

(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;

(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;

(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;

(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;

(33) Sales to the state headquarters of any veterans' organization in Ohio that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

(34) Sales to a telecommunications service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in division (B)(34) of this section shall be in lieu of all other exceptions under division (E)(2) of section 5739.01 of the Revised Code to which a telecommunications service vendor may otherwise be entitled based upon the use of the thing purchased in providing the telecommunications service.

(35) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any elementary precious metal that has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, and palladium, and which is in such state or condition that its value depends upon its content and not upon its form. "Investment metal bullion" does not include fabricated precious metal that

has been processed or manufactured for one or more specific and customary industrial, professional, or artistic uses. "Investment coins" means numismatic coins or other forms of money and legal tender manufactured of gold, silver, platinum, palladium, or other metal under the laws of the United States or any foreign nation with a fair market value greater than any statutory or nominal value of such coins.

(36)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(36)(a) of this section; and of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.

(c) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.

For purposes of division (B)(36) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(37) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(38) The sale of a motor vehicle that is used exclusively for a vanpool ridesharing arrangement to persons participating in the vanpool ridesharing arrangement when the vendor is selling the vehicle pursuant to a contract between the vendor and the department of transportation;

(39) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for

eaching elementary or secondary school students;

(40) Sales to a professional racing team of any of the following:

(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.

(41) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(42) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exceptions in division (E)(2) of section 5739.01 of the Revised Code to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

As used in this section, except in division (B)(16) of this section, "food" includes cereals and cereal products, milk and milk products including ice cream, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruits, fruit products, and pure fruit juices, condiments, sugar and sugar products, coffee and coffee substitutes, tea, and cocoa and cocoa products. It does not include: spirituous or malt liquors; soft drinks; sodas and beverages that are ordinarily dispensed at bars and soda fountains or in connection therewith,

other than coffee, tea, and cocoa; root beer and root beer extracts; malt and malt extracts; mineral oils, cod liver oils, and halibut liver oil; medicines, including tonics, vitamin preparations, and other products sold primarily for their medicinal properties; and water, including mineral, bottled, and carbonated waters, and ice.

(C) The levy of an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests pursuant to this section and division (B) of section 5739.01 of the Revised Code does not prevent any of the following:

(1) A municipal corporation or township from levying an excise tax for any lawful purpose not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests in addition to the tax levied by this section. If a municipal corporation or township repeals a tax imposed under division (C)(1) of this section and a county in which the municipal corporation or township has territory has a tax imposed under division (C) of section 5739.024 of the Revised Code in effect, the municipal corporation or township may not reimpose its tax as long as that county tax remains in effect. A municipal corporation or township in which a tax is levied under division (B)(2) of section 351.021 of the Revised Code may not increase the rate of its tax levied under division (C)(1) of this section to any rate that would cause the total taxes levied under both of those divisions to exceed three per cent on any lodging transaction within the municipal corporation or township.

(2) A municipal corporation or a township from levying an additional excise tax not to exceed three per cent on such transactions pursuant to division (B) of section 5739.024 of the Revised Code. Such tax is in addition to any tax imposed under division (C)(1) of this section.

(3) A county from levying an excise tax pursuant to division (A) of section 5739.024 of the Revised Code.

(4) A county from levying an excise tax not to exceed three per cent of such transactions pursuant to division (C) of section 5739.024 of the Revised Code. Such a tax is in addition to any tax imposed under division (C)(3) of this section.

(5) A convention facilities authority, as defined in division (A) of section 351.01 of the Revised Code, from levying the excise taxes provided for in division (B) of section 351.021 of the Revised Code.

(6) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (D) of section 5739.024 of the Revised Code. Such tax is in addition to any tax imposed under division (C)(3) or (4) of this section.

(7) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (E) of section 5739.024 of the Revised Code. Such a tax is in addition to any tax imposed under division (C)(3), (4), or (6) of this section.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

Sec. 5739.024. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as ~~otherwise~~ provided in divisions (A)(2) and (3) of this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax on such transactions, a uniform percentage of the tax collected in the municipal corporation or in the unincorporated portion of the township from each such transaction, not to exceed thirty-three and one-third per cent. The remainder of the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of such remainder pursuant to an agreement authorized by section 307.695 of the Revised Code. Except as ~~otherwise~~ provided ~~under~~ in division (A)(2) or (3) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to this division in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of this section. The board of a county that has levied a tax under division (C) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under this division to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax,

any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue therefrom has been so pledged.

(2) A board of county commissioners that levies an excise tax under division (A)(1) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code, may amend the resolution levying that tax to provide for an increase in the rate of the tax up to five per cent on each transaction; to provide that revenue from the increase in the rate shall be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the 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 remain outstanding in accordance with their terms, unless provision is made by law or by the board of county

commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

Division (A)(3) of this section does not apply to the board of county commissioners of any county in which a convention center or facility exists or is being constructed on November 15, 1998, or of any county in which a convention facilities authority levies a tax pursuant to section 351.021 of the Revised Code on that date.

As used in division (A)(3) of this section, "costs" and "facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(B) The legislative authority of a municipal corporation or the board of trustees of a township that is not wholly or partly located in a county that has in effect a resolution levying an excise tax pursuant to division (A)(1) of this section may by ordinance or resolution levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The legislative authority of the municipal corporation or township shall deposit at least fifty per cent of the revenue from the tax levied pursuant to this division into a separate fund, which shall be spent solely to make contributions to convention and visitors' bureaus operating within the county in which the municipal corporation or township is wholly or partly located, and the balance of such revenue shall be deposited in the general fund. The municipal corporation or township shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The levy of a tax under this division is in addition to any tax imposed on the same transaction by a municipal corporation or a township as authorized by division (C)(1) of section 5739.02 of the Revised Code.

(C) For the purpose of making the payments authorized by section 307.695 of the Revised Code to construct and equip a convention center in the county and to cover the costs of administering the tax, a board of county commissioners of a county where a tax imposed under division (A)(1) of this section is in effect may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by this division shall be in addition to any tax that is levied pursuant to division (A)

of this section, but it shall not apply to transactions subject to a tax levied by a municipal corporation or township pursuant to the authorization granted by division (C)(1) of section 5739.02 of the Revised Code. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.695 of the Revised Code. A tax imposed under this section shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue therefrom has been pledged pursuant to such section.

(D) For the purpose of providing contributions under division (B)(1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation thereof, described in division (B)(1)(b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by this division shall be in addition to any tax that is levied pursuant to divisions (A), (B), and (C) of this section, to any excise tax levied pursuant to division (C) of section 5739.02 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code. The board of county commissioners shall establish all regulations necessary to provide for the administration and allocation of the tax that are not inconsistent with this section or section 307.671 of the Revised Code. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.671 of the Revised Code and division (D) of this section. The levy of a tax imposed under this section may not commence prior to the first day of the month next following the

execution of the cooperative agreement authorized by section 307.671 of the Revised Code by all parties to that agreement. Such tax shall remain in effect at the rate at which it is imposed for the period of time described in division (C) of section 307.671 of the Revised Code for which the revenue from the tax has been pledged by the county to the corporation pursuant to such section, but, to any extent provided for in the cooperative agreement, for no lesser period than the period of time required for payment of the debt service charges on bonds, or notes in anticipation thereof, described in division (B)(1)(b) of that section.

(E) For the purpose of paying the costs of acquiring, constructing, equipping, and improving a municipal educational and cultural facility, including debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code, and for such additional purposes as are determined by the county in the resolution levying the tax or amendments thereto, including subsequent amendments providing for paying costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, as defined in section 307.674 of the Revised Code, including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, the legislative authority of a county, by resolution adopted within ninety days after June 30, 1993, by a majority of the members of the legislative authority, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by this division shall be in addition to any tax that is levied pursuant to divisions (A), (B), (C), and (D) of this section, to any excise tax levied pursuant to division (C) of section 5739.02 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code. The legislative authority of the county shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.672 of the Revised Code and division (E) of this section. The levy of a tax imposed under this division shall not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.672 of the Revised Code by all parties to that

agreement. Such tax shall remain in effect at the rate at which it is imposed for the period of time determined by the legislative authority of the county, but not to exceed fifteen years.

(F) The legislative authority of a county that has levied a tax under division (E) of this section may, by resolution adopted within one hundred eighty days after ~~the effective date of this amendment~~ January 4, 2001, by a majority of the members of the legislative authority, amend the resolution levying a tax under division (E) of this section to provide for the use of the proceeds of that tax, to the extent that it is no longer needed for its original purpose as determined by the parties to a cooperative agreement amendment pursuant to division (D) of section 307.672 of the Revised Code, to pay costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, and to pay all obligations under any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in division (C) of section 307.674 of the Revised Code. The resolution may also provide for the extension of the tax at the same rate for the longer of the period of time determined by the legislative authority of the county, but not to exceed an additional twenty-five years, or the period of time required to pay all debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code and on port authority revenue bonds provided for in division (B) of section 307.674 of the Revised Code. All revenues arising from the amendment and extension of the tax shall be expended in accordance with section 307.674 of the Revised Code and divisions (E) and (F) of this section.

(G) For purposes of a tax levied by a county, township, or municipal corporation under this section or division (C) of section 5739.02 of the Revised Code, a board of county commissioners, board of township trustees, or the legislative authority of a municipal corporation may adopt a resolution or ordinance at any time specifying that "hotel," as otherwise defined in section 5739.01 of the Revised Code, includes establishments in which fewer than five rooms are used for the accommodation of guests. The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

Sec. 5739.032. (A) If the total amount of tax required to be paid by a

permit holder under section 5739.031 of the Revised Code for any calendar year indicated in the following schedule equals or exceeds the amounts prescribed for that year in the schedule, the permit holder shall remit each monthly tax payment in the second ensuing and each succeeding year by electronic funds transfer as prescribed by division (B) of this section.

Year	1992	1993 through 1999	2000 and thereafter
Tax	\$1,200,000	\$600,000	\$60,000

payment

If a permit holder's tax payment for each of two consecutive years beginning with 2000 is less than sixty thousand dollars, the permit holder is relieved of the requirement to remit taxes by electronic funds transfer for the year that next follows the second of the consecutive years in which the tax payment is less than sixty thousand dollars, and is relieved of that requirement for each succeeding year unless the tax payment in a subsequent year equals or exceeds sixty thousand dollars.

The tax commissioner shall notify each permit holder required to remit taxes by electronic funds transfer of the permit holder's obligation to do so, shall maintain an updated list of those permit holders, and shall timely certify the list and any additions thereto or deletions therefrom to the treasurer of state. Failure by the tax commissioner to notify a permit holder subject to this section to remit taxes by electronic funds transfer does not relieve the permit holder of its obligation to remit taxes by electronic funds transfer.

(B) Permit holders required by division (A) of this section to remit payments by electronic funds transfer shall remit such payments to the treasurer of state in the manner prescribed by rules adopted by the treasurer under section 113.061 of the Revised Code and on or before the dates specified under section 5739.031 of the Revised Code. The payment of taxes by electronic funds transfer does not affect a permit holder's obligation to file the monthly return as required under section 5739.031 of the Revised Code.

A permit holder required by this section to remit taxes by electronic funds transfer may apply to the treasurer of state in the manner prescribed by the treasurer to be excused from that requirement. The treasurer of state may excuse the permit holder from remittance by electronic funds transfer for good cause shown for the period of time requested by the permit holder or for a portion of that period. The treasurer shall notify the tax commissioner and the permit holder of the treasurer's decision as soon as is practicable.

(C) If a permit holder required by this section to remit taxes by

electronic funds transfer remits those taxes by some means other than by electronic funds transfer as prescribed by this section and the rules adopted by the treasurer of state, and the ~~treasurer~~ tax commissioner determines that such failure was 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.

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.

Sec. 5739.07. (A) The tax commissioner shall refund to vendors the amount of taxes paid illegally or erroneously or paid on any illegal or erroneous assessment if the vendor has not been reimbursed from the consumer. When the illegal or erroneous payment or assessment was not paid to a vendor but was paid by the consumer directly to the treasurer of state ~~or~~, an agent of the treasurer of state, the tax commissioner, or an agent of the tax commissioner, the tax commissioner shall refund to the consumer. When a refund is granted for payment of an illegal or erroneous assessment issued by the department, the refund shall include interest as provided by section 5739.132 of the Revised Code.

(B) The tax commissioner may make a refund to the consumer of taxes paid illegally or erroneously if the tax has not been refunded to the vendor and any of the following circumstances apply:

- (1) The consumer is unable to receive a refund from the vendor because the vendor has ceased business;
- (2) The vendor is unable to issue a refund because of bankruptcy or similar financial condition;
- (3) The consumer receives a refund of the full price paid to the vendor from a manufacturer or other person, other than the vendor, as a settlement

for a complaint by the consumer about the property or service purchased.

(C) Applications for refund shall be filed with the tax commissioner, on the form prescribed by the tax commissioner, within four years from the date of the illegal or erroneous payment of the tax, unless the vendor or consumer waives the time limitation under division (A)(3) of section 5739.16 of the Revised Code. If the time limitation is waived, the four-year refund limitation shall be extended for the same period of time as the waiver. On the filing of an application for refund, the commissioner shall determine the amount of refund due and certify that amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code.

Sec. 5739.102. A person who is liable for a tax levied under section 5739.101 of the Revised Code shall file a return with the ~~treasurer of state~~ tax commissioner showing ~~his~~ the person's taxable gross receipts from sales described under division (B)(1) or (2) of that section. The tax commissioner shall prescribe the form of the return, and the six- or twelve-month reporting period. The person shall file the return on or before the last day of the 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.

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.

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 Code, and may be collected by assessment in the manner provided in section 5739.13 of the Revised Code. The tax commissioner may remit all or a portion of the charge.

Sec. 5739.12. Each person who has or is required to have a vendor's

license, on or before the twenty-third day of each month, shall make and file a return for the preceding month, on forms prescribed by the tax commissioner, and shall pay the tax shown on the return to be due. The return shall show the amount of tax due from the vendor to the state for the period covered by the return and such other information as the commissioner deems necessary for the proper administration of this chapter. The commissioner may extend the time for making and filing returns and paying the tax, and may require that the return for the last month of any annual or semiannual period, as determined by the commissioner, be a reconciliation return detailing the vendor's sales activity for the preceding annual or semiannual period. The reconciliation return shall be filed by the last day of the month following the last month of the annual or semiannual period. The commissioner may remit all or any part of amounts or penalties which may become due under this chapter and may adopt rules relating thereto. Such return shall be filed by mailing ~~the same~~ 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 for under this section. Remittance shall be made payable to the treasurer of state. The return shall be considered filed when received by the ~~treasurer of state~~ tax commissioner, and the payment shall be considered made when received by the ~~treasurer of state~~ tax commissioner or when credited to an account designated by the treasurer of state or the tax commissioner. If the return is filed and the amount of tax shown thereon to be due is paid on or before the date such return is required to be filed, the vendor shall be entitled to a discount of three-fourths of one per cent 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 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 have been sold to a third party for collection, and repossessed property.

In computing taxable receipts for purposes of this chapter, a vendor may deduct the amount of bad debts, as defined in this section. The amount deducted must be charged off as uncollectible on the books of the vendor. A deduction may be claimed only with respect to bad debts on which the taxes pursuant to sections 5739.10 and 5739.12 of the Revised Code were paid in a preceding tax period. If the vendor's business consists of taxable and nontaxable transactions, the deduction shall equal the full amount of the debt if the debt is documented as a taxable transaction in the vendor's records. If no such documentation is available, the maximum deduction on

any bad debt shall equal the amount of the bad debt multiplied by the quotient obtained by dividing the sales taxed pursuant to this chapter during the preceding calendar year by all sales during the preceding calendar year, whether taxed or not. If a consumer or other person pays all or part of a bad debt with respect to which a vendor claimed a deduction under this section, the vendor shall be liable for the amount of taxes deducted in connection with that portion of the debt for which payment is received and shall remit such taxes in ~~his~~ the vendor's next payment to the ~~treasurer of state tax commissioner~~.

Any claim for a bad debt deduction under this section shall be supported by such evidence as the tax commissioner by rule requires. The commissioner shall review any change in the rate of taxation applicable to any taxable sales by a vendor claiming a deduction pursuant to this section and adopt rules for altering the deduction in the event of such a change in order to ensure that the deduction on any bad debt does not result in the vendor claiming the deduction recovering any more or less than the taxes imposed on the sale that constitutes the bad debt.

Sec. 5739.13. (A) If any vendor collects the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code, and fails to remit the tax to the state as prescribed, or on the sale of a motor vehicle, watercraft, or outboard motor required to be titled, fails to remit payment to a clerk of a court of common pleas as provided in section 1548.06 or 4505.06 of the Revised Code, the vendor shall be personally liable for any tax collected and not remitted. The tax commissioner may make an assessment against such vendor based upon any information in the commissioner's possession.

If any vendor fails to collect the tax or any consumer fails to pay the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code, on any transaction subject to the tax, the vendor or consumer shall be personally liable for the amount of the tax applicable to the transaction. The commissioner may make an assessment against either the vendor or consumer, as the facts may require, based upon any information in the commissioner's possession.

An assessment against a vendor when the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code has not been collected or paid, shall not discharge the purchaser's or consumer's liability to reimburse the vendor for the tax applicable to such transaction.

An assessment issued against either, pursuant to this section, shall not be considered an election of remedies, nor a bar to an assessment against the other for the tax applicable to the same transaction, provided that no

assessment shall be issued against any person for the tax due on a particular transaction if the tax on that transaction actually has been paid by another.

The commissioner may make an assessment against any vendor who fails to file a return or remit the proper amount of tax required by this chapter, or against any consumer who fails to pay the proper amount of tax required by this chapter. When information in the possession of the commissioner indicates that the amount required to be collected or paid under this chapter is greater than the amount remitted by the vendor or paid by the consumer, the commissioner may audit a sample of the vendor's sales or the consumer's purchases for a representative period, to ascertain the percent of exempt or taxable transactions or the effective tax rate and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the vendor or consumer in selecting a representative sample period.

The tax commissioner may make an assessment, based on any information in his possession, against any person who fails to file a return or remit the proper amount of tax required by section 5739.102 of the Revised Code.

The tax commissioner may issue an assessment on any transaction for which any tax imposed under this chapter or Chapter 5741. of the Revised Code was due and unpaid on the date the vendor or consumer was informed by an agent of the tax commissioner of an investigation or audit. If the vendor or consumer remits any payment of the tax for the period covered by the assessment after the vendor or consumer was informed of the investigation or audit, the payment shall be credited against the amount of the assessment.

The commissioner shall give the party assessed written notice of the assessment as provided in section 5703.37 of the Revised Code.

(B) Unless the party to whom the notice of assessment is directed files with the commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a petition for reassessment in writing, signed by the party assessed, or by the party's authorized agent having knowledge of the facts, the assessment shall become final and the amount of the assessment shall be due ~~and payable~~ from the party assessed and payable to the treasurer of state and remitted to the tax commissioner. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received prior to the date shown on the final determination by the commissioner.

Unless the petitioner waives a hearing, the commissioner shall assign a time and place for the hearing on the petition and notify the petitioner of the

time and place of the hearing by personal service or certified mail, but the commissioner may continue the hearing from time to time if necessary.

The commissioner may make such correction to the assessment as the commissioner finds proper. The commissioner shall serve a copy of the commissioner's final determination on the petitioner by personal service or certified mail, and the commissioner's decision in the matter shall be final, subject to appeal as provided in section 5717.02 of the Revised Code. 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 amounts paid pursuant to the assessment.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the 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 place of business of the party assessed is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

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.

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.

(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.

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 to the county treasurer. The commissioner shall keep an alphabetical index of such licensees so certified to ~~him~~ the commissioner but ~~he~~ may delete therefrom the names of those persons whose licenses have been cancelled.

Sec. 5741.10. The tax commissioner shall refund to sellers the amount of tax levied pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code paid on any illegal or erroneous payment or assessment, where the seller has reimbursed the consumer. When such payment or assessment was not paid to a seller, but was paid by the consumer directly to the treasurer of state, ~~or~~ the treasurer of state's agent, by the consumer, the commissioner, or the commissioner's agent, the treasurer of state shall make refund to the consumer. When such a refund is granted, it shall include interest thereon as provided by section 5739.132 of the Revised Code. Applications for refund shall be filed with the tax commissioner, on the form prescribed by the commissioner, within four years from the date of the illegal or erroneous payment of the tax except where the vendor or consumer waives the time limitation under division (C) of section 5741.16 of the Revised Code, in which case the four-year refund limitation shall be extended for the same period of time as the waiver. On filing such application, the commissioner shall determine the amount of refund due and shall certify such amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code.

Sec. 5741.12. (A) Each seller required by section 5741.17 of the Revised Code to register with the tax commissioner, and any seller authorized by the commissioner to collect the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code is subject to the same requirements and entitled to the same deductions and discount for prompt payments as are vendors under section 5739.12 of the Revised Code. The powers and duties of the commissioner and the treasurer of state with respect to returns and tax remittances under this section shall be identical with those prescribed in section 5739.12 of the Revised Code.

(B) Every person storing, using, or consuming tangible personal property or receiving the benefit of a service, the storage, use, consumption, or receipt of which is subject to the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, when such

tax was not paid to a seller, shall, on or before the twenty-third day of each month, file with the ~~treasurer of state~~ tax commissioner a return for the preceding month in such form as is prescribed by the commissioner, showing such information as the commissioner deems necessary, and shall pay the tax shown on the return to be due. Remittance shall be made payable to the treasurer of state. The commissioner may require consumers to file returns and pay the tax at other than monthly intervals, if ~~he~~ the commissioner determines that such filing is necessary for the efficient administration of the tax. If the commissioner determines that a consumer's tax liability is not such as to merit monthly filing, the commissioner may authorize the consumer to file returns and pay tax at less frequent intervals. ~~The treasurer of state shall show on the return the date it was filed and the amount of the payment remitted to the treasurer. Thereafter, the treasurer immediately shall transmit all returns filed under this section to the tax commissioner.~~

Any consumer required to file a return and pay the tax under this section whose payment for any year indicated in section 5741.121 of the Revised Code equals or exceeds the amount shown in that section shall make each payment required by this section in the second ensuing and each succeeding year by means of electronic funds transfer as prescribed by section 5741.121 of the Revised Code, except as otherwise prescribed by that section.

(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.

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.

(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.

(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 5743.66 of the Revised Code, together with remittance of the tax due. ~~The, payable to the~~ treasurer of state ~~shall stamp or otherwise mark on the return the date it was received and the amount of payment received with the return.~~ Thereafter, ~~the treasurer of state shall immediately transmit all returns filed under this section to the commissioner.~~ The return and payment of the tax required by this section shall be filed in such a manner that it is received by the ~~treasurer of state~~ tax commissioner on or before the last day of the month following the reporting period. If the return is filed and the amount of the tax shown on the return to be due is paid on or before the date the return is required to be filed, the seller is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.

(D) ~~The tax commissioner shall immediately forward to the treasurer of state all money received into the state treasury from the tax levied by this section, and the treasurer shall be credited~~ credit the amount to the general revenue fund.

(E) Each seller of tobacco products subject to the tax levied by this section shall mark on the invoices of tobacco products sold that the tax levied by that section has been paid and shall indicate the seller's account number as assigned by the tax commissioner.

Sec. 5743.63. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the storage, use, or other consumption of tobacco products at the rate of seventeen per cent of the wholesale price of the tobacco product, provided the tax has not been paid by the seller as provided in section 5743.62 of the Revised Code, or by the distributor as provided in section 5743.51 of the Revised Code.

(B) Each person 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 5743.66 of the Revised Code, together with remittance of the tax due. ~~The, payable to the~~ treasurer of state ~~shall stamp or otherwise mark on the return the date it was received and the amount of payment received with the return.~~ Thereafter, ~~the treasurer of state shall immediately transmit all returns filed under this section to the commissioner.~~ The return and payment

of the tax required by this section shall be filed in such a manner that it is received by the ~~treasurer of state~~ tax commissioner on or before the last day of the month following the reporting period.

(C) The tax commissioner shall immediately forward to the treasurer of state all money received ~~into the state treasury~~ from the tax levied by this section, ~~and the treasurer shall be credited~~ credit the amount to the general revenue fund.

Sec. 5745.03. (A) For each taxable year, each taxpayer shall file an annual report with the ~~treasurer of state~~ tax commissioner not later than the fifteenth day of the fourth month after the end of the taxpayer's taxable year, and shall remit with that report the amount of tax due as shown on the report less the amount paid for the year under section 5745.04 of the Revised Code. The remittance shall be made in the form prescribed by the ~~treasurer of state, including electronic funds transfer if~~ tax commissioner. If the amount payable with the report exceeds one thousand dollars, the taxpayer shall remit the amount by electronic funds transfer as prescribed by the treasurer of state. The tax commissioner shall immediately forward to the treasurer of state all amounts that the tax commissioner receives pursuant to this chapter. The treasurer of state shall credit ninety-eight and one-half per cent of such remittances to the municipal income tax fund, which is hereby created in the state treasury, and credit the remainder to the municipal income tax administrative fund, which is hereby created in the state treasury. ~~The treasurer of state shall indicate on the report the date it was filed and the amount remitted, and immediately shall transmit the report to the tax commissioner.~~

(B) Any taxpayer that has been granted an extension for filing a federal income tax return may request an extension for filing the return required under this section by filing with the tax commissioner a copy of the taxpayer's request for the federal filing extension. The request shall be filed not later than the last day for filing the return as required under division (A) of this section. If such a request is properly and timely filed, the tax commissioner shall extend the last day for filing the return required under this section for the same period for which the federal filing extension was granted. The tax commissioner may deny the filing extension request only if the taxpayer fails to timely file the request, fails to file a copy of the federal extension request, owes past due taxes, interest, or penalty under this chapter, or has failed to file a required report or other document for a prior taxable year. The granting of an extension under this section does not extend the last day for paying taxes without penalty pursuant to this chapter unless the tax commissioner extends the payment date.

(C) The annual report shall include statements of the following facts as of the last day of the taxpayer's taxable year:

- (1) The name of the taxpayer;
- (2) The name of the state or country under the laws of which it is incorporated;
- (3) The location of its principal office in this state and, in the case of a taxpayer organized under the laws of another state, the principal place of business in this state and the name and address of the officer or agent of the taxpayer in charge of the business conducted in this state;
- (4) The names of the president, secretary, treasurer, and statutory agent in this state, with the post-office address of each;
- (5) The date on which the taxpayer's taxable year begins and ends;
- (6) The taxpayer's federal taxable income during the taxpayer's taxable year;
- (7) Any other information the tax commissioner requires for the proper administration of this chapter.

(D) The tax commissioner may require any reports required under this chapter to be filed in an electronic format.

(E) A municipal corporation may not require a taxpayer required to file a report under this section to file a report of the taxpayer's income, but a municipal corporation may require a taxpayer to report to the municipal corporation the value of the taxpayer's real and tangible personal property situated in the municipal corporation, compensation paid by the taxpayer to its employees in the municipal corporation, and sales made in the municipal corporation by the taxpayer, to the extent necessary for the municipal corporation to compute the taxpayer's municipal property, payroll, and sales factors for the municipal corporation.

(F) On or before the thirty-first day of January each year, each municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year. If any municipal corporation fails to certify its income tax rate as required by this division, the tax commissioner shall notify the director of budget and management, who, upon receiving such notification, shall withhold from each payment made to the municipal corporation under section 5745.05 of the Revised Code fifty per cent of the amount of the payment otherwise due the municipal corporation under that section as computed on the basis of the tax rate most recently certified until the municipal corporation certifies the tax rate in effect on the first day of January of that year.

The tax rate used to determine the tax payable to a municipal

corporation under this section for a taxpayer's taxable year shall be the tax rate in effect in a municipal corporation on the first day of January in that taxable year. If a taxpayer's taxable year is for a period less than twelve months that does not include the first day of January, the tax rate used to determine the tax payable to a municipal corporation under this section for the taxpayer's taxable year shall be the tax rate in effect in a municipal corporation on the first day of January in the preceding taxable year.

Sec. 5745.04. (A) As used in this section, "combined tax liability" means the total of a taxpayer's income tax liabilities to all municipal corporations in this state for a taxable year.

(B) Beginning with its taxable year beginning in 2003, each taxpayer shall file a declaration of estimated tax report with, and remit estimated taxes to the tax commissioner, payable to the treasurer of state, at the times and in the amounts prescribed in divisions (B)(1) to (4) of this section. This division also applies to a taxpayer having a taxable year consisting of fewer than twelve months, at least one of which is in 2002, that ends before January 1, 2003.

(1) Not less than twenty-five per cent of the combined tax liability for the preceding taxable year or twenty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the fourth month after the end of the preceding taxable year.

(2) Not less than fifty per cent of the combined tax liability for the preceding taxable year or forty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the sixth month after the end of the preceding taxable year.

(3) Not less than seventy-five per cent of the combined tax liability for the preceding taxable year or sixty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the ninth month after the end of the preceding taxable year.

(4) Not less than one hundred per cent of the combined tax liability for the preceding taxable year or eighty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the twelfth month after the end of the preceding taxable year.

(C) Each taxpayer shall report on the declaration of estimated tax report the portion of the remittance that the taxpayer estimates that it owes to each municipal corporation for the taxable year.

(D) Upon receiving a declaration of estimated tax report and remittance of estimated taxes under this section, the tax commissioner shall immediately forward to the treasurer of state such remittance. The treasurer

of state shall credit ninety-eight and one-half per cent of the remittance to the municipal income tax fund and credit the remainder to the municipal income tax administrative fund, ~~and shall transmit the report to the tax commissioner.~~

(E) If any remittance of estimated taxes is for one thousand dollars or more, the taxpayer shall make the remittance by electronic funds transfer as prescribed by section 5745.04 of the Revised Code.

(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.

Sec. 5747.122. (A) The tax commissioner, in accordance with section 5101.184 of the Revised Code, shall cooperate with the director of job and family services to collect overpayments of assistance under Chapter 5107., 5111., or 5115., former Chapter 5113., or ~~sections~~ section 5101.54 ~~to 5101.543~~ of the Revised Code from refunds of state income taxes for taxable year 1992 and thereafter that are payable to the recipients of such overpayments.

(B) At the request of the department of job and family services in connection with the collection of an overpayment of assistance from a refund of state income taxes pursuant to this section and section 5101.184 of the Revised Code, the tax commissioner shall release to the department the home address and social security number of any recipient of assistance whose overpayment may be collected from a refund of state income taxes under those sections.

(C) In the case of a joint income tax return for two people who were not married to each other at the time one of them received an overpayment of assistance, only the portion of a refund that is due to the recipient of the overpayment shall be available for collection of the overpayment under this section and section 5101.184 of the Revised Code. The tax commissioner shall determine such portion. A recipient's spouse who objects to the portion as determined by the commissioner may file a complaint with the commissioner within twenty-one days after receiving notice of the collection, and the commissioner shall afford the spouse an opportunity to be heard on the complaint. The commissioner shall waive or extend the twenty-one-day period if the recipient's spouse establishes that such action is necessary to avoid unjust, unfair, or unreasonable results. After the hearing, the commissioner shall make a final determination of the portion of the refund available for collection of the overpayment.

(D) The welfare overpayment intercept fund is hereby created in the

state treasury. The tax commissioner shall deposit amounts collected from income tax refunds under this section to the credit of the welfare overpayment intercept fund. The director of job and family services shall distribute money in the fund in accordance with appropriate federal or state laws and procedures regarding collection of welfare overpayments.

Sec. 5747.221. ~~For~~ (A) As used in this section, "investment pass-through entity" has the same meaning as in section 5733.401 of the Revised Code.

(B) Except as provided in division (C) of this section, for the purposes of sections 5747.20, 5747.21, and 5747.22 of the Revised Code, no item of income or deduction shall be allocated or apportioned to this state to the extent that such item represents or relates to the portion of an adjusted qualifying amount for which the withholding tax is not imposed under section 5747.41 of the Revised Code by reason of division (C) of section 5733.401 of the Revised Code. This section shall be applied without regard to division (I) of section 5733.40 of the Revised Code.

(C) If a taxpayer has a direct or indirect investment in an investment pass-through entity that has a direct or indirect investment in any other pass-through entity, division (B) of this section does not apply to any item of income, gain, deduction, or loss where, under section 5747.231 of the Revised Code, the item is directly or indirectly attributable to either of the following:

(1) A distributive share of income or gain from a pass-through entity that does not qualify as an investment pass-through entity;

(2) A pass-through entity's income or gain to which division (C) of section 5733.401 of the Revised Code does not apply.

An indirect investment includes any interest that a person constructively owns on account of the attribution rules set forth in section 267, 318, or 1563 of the Internal Revenue Code.

Sec. 5747.39. As used in this section, "eligible employee" and "eligible training costs" have the same meanings as in section 5733.42 of the Revised Code, and "pass-through entity" includes a sole proprietorship.

For taxable years beginning after ~~December 31, 2000~~ in 2003, 2004, and 2005, there is hereby allowed a nonrefundable credit against the tax imposed by section 5747.02 of the Revised Code for a taxpayer that is an investor in a pass-through entity for which a tax credit certificate is issued under section 5733.42 of the Revised Code. ~~The~~ For the taxable year beginning in 2003, the amount of eligible training costs for which a credit may be claimed by all taxpayers that are investors in an entity shall equal one-half of the average of the eligible training costs incurred by the entity during ~~the three~~

~~calendar years that end in the taxable year for which the credit is claimed 1999, 2000, and 2001, but shall not exceed one thousand dollars for each eligible employee on account of whom such costs were paid or incurred by the entity, and the total amount of credits that may be claimed by all such taxpayers shall not exceed one hundred thousand dollars each year. Each taxpayer's credit shall be claimed for the taxpayer's taxable year that includes the last day of the third calendar year of the three year period during which eligible training costs are paid or incurred by the entity. The credit may be claimed for eligible training costs paid or incurred on or before December 31, 2003. The~~

The amount of a taxpayer's credit for the taxpayer's taxable year beginning in 2003 shall equal the taxpayer's interest in the entity on December 31, 2001, multiplied by the credit available to the entity as computed by the entity.

For the taxable year beginning in 2004, the amount of the eligible training costs for which a credit may be claimed by all taxpayers that are investors in an entity shall equal one-half of the average of the eligible training costs incurred by the entity during calendar years 2002, 2003, and 2004, but shall not exceed one thousand dollars for each eligible employee on account of whom such costs were paid or incurred by the entity, and the total amount of credits that may be claimed by all such taxpayers shall not exceed one hundred thousand dollars. The amount of a taxpayer's credit for the taxpayer's taxable year beginning in 2004 shall equal the taxpayer's interest in the entity on December 31, 2004, multiplied by the credit available to the entity as computed by the entity.

For the taxable year beginning in 2005, the amount of the eligible training costs for which a credit may be claimed by all taxpayers that are investors in an entity shall equal one-half of the average of the eligible training costs incurred by the entity during calendar years 2003, 2004, and 2005, but shall not exceed one thousand dollars for each eligible employee on account of whom such costs were paid or incurred by the entity, and the total amount of credits that may be claimed by all such taxpayers shall not exceed one hundred thousand dollars. The amount of a taxpayer's credit for the taxpayer's taxable year beginning in 2005 shall equal the taxpayer's interest in the entity on the last day of the third calendar year of the three year period ending in or with the last day of the taxpayer's taxable year December 31, 2005, multiplied by the credit available to the entity as computed by the entity.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code. A taxpayer may carry forward the credit to the extent that

the taxpayer's credit exceeds the taxpayer's tax due after allowing for any other credits that precede the credit allowed by this section in the order prescribed by section 5747.98 of the Revised Code. The taxpayer may carry the excess credit forward for three taxable years following the taxable year for which the taxpayer first claims the credit under this section.

A pass-through entity shall apply to the director of job and family services for a tax credit certificate in the manner prescribed by division (C) of section 5733.42 of the Revised Code. Divisions (C) to (H) of that section govern the tax credit allowed by this section, except that "taxable year" shall be substituted for "tax year" wherever that phrase appears in those divisions, and that "pass-through entity" shall be substituted for "taxpayer" wherever "taxpayer" appears in those divisions.

Sec. 5749.06. Each severer liable for the tax imposed by section 5749.02 of the Revised Code shall make and file returns with the tax commissioner in the prescribed form and as of the prescribed times, computing and reflecting therein the tax as required by this chapter.

The returns shall be filed for every quarterly period, which periods shall end on the thirty-first of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December of each year, as required by this section, unless a different return period is prescribed for a taxpayer by the tax commissioner.

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.

All returns shall be signed by the severer, shall contain the full and complete information requested, and shall be made under penalty of perjury.

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.

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.

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 that such amount was originally required to be paid to the day of actual payment or to the day an assessment was issued under section 5749.07 or 5749.10 of the Revised Code, whichever occurs first.

The severer shall make all payments payable to the treasurer of state. All amounts that the tax commissioner receives under this section shall be deemed to be revenue from taxes imposed under this chapter. The tax commissioner shall immediately forward to the treasurer of state all amounts received under this section.

Sec. 6109.13. No official, officer, or employee in charge of or being employed in the maintenance and operation of a public water system and no other person, ~~or firm, or corporation~~ shall establish or permit to be established any connection whereby water from a private, auxiliary, or emergency water system may enter the public water system, unless ~~such~~ the private, auxiliary, or emergency water system, and the method of connection and use of ~~such~~ the system, ~~has~~ have been approved by the environmental protection agency. However, a backflow prevention device shall not be required when a physical separation exists between the public water system and the private, auxiliary, or emergency water system.

As used in this section:

(A) "Backflow prevention device" means any device, method, or type of construction that is intended to prevent backflow into a potable water system.

(B) "Physical separation" means that there is no direct or indirect connection between a public water system and a private, auxiliary, or emergency water system.

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) of this section, on and after January 1, 1994, no person shall 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 3745.11 of the Revised Code, provided that an applicant for an initial license who is proposing to operate or maintain a new public water system after January 1, 1994, shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(B) Not later than thirty days after receiving a completed application and the appropriate license fee for an initial license under division (A) of this section, the director shall issue the license for the public water system. Not later than thirty days after receiving a completed application and the appropriate license fee for a license renewal under division (A) of this section, the director shall do one of the following:

- (1) Issue the license renewal for the public water system;
- (2) Issue the license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;
- (3) Deny the license renewal if the director finds that the public water system was not operated in substantial compliance with this chapter and rules adopted under it.

(C) The director may suspend or revoke a license or license renewal issued under this section if the director finds that the public water system was not operated in substantial compliance with this chapter and rules adopted under it. The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code governing such

suspensions and revocations.

(D)(1) As used in division (D) of this section, "church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed or operated for the private profit of any person.

(2) This section does not apply to a church that operates or maintains a public water system solely to provide water for that church or for a campground that is owned by the church and operated primarily or exclusively for members of the church and their families. A church that, on or before March 5, 1996, has obtained a license under this section for such a public water system need not obtain a license renewal under this section.

(E) This section does not apply to any public or nonpublic school that meets minimum standards of the state board of education that operates or maintains a public water system solely to provide water for that school.

Sec. 6111.035. (A) The director of environmental protection, consistent with the Federal Water Pollution Control Act and the regulations adopted thereunder, without application therefor, may issue, modify, revoke, or terminate a general permit under this chapter for both of the following:

(1) Discharge of stormwater; the discharge of liquids, sediments, solids, or water-borne mining related waste, such as, but not limited to, acids, metallic cations, or their salts, from coal mining and reclamation operations as defined in section 1513.01 of the Revised Code; or treatment works whose discharge would have de minimis impact on the waters of the state receiving the discharge;

(2) Installation or modification of disposal systems or any parts thereof, including disposal systems for stormwater or for coal mining and reclamation operations as defined in section 1513.01 of the Revised Code.

A general permit shall apply to a class or category of discharges or disposal systems or to persons conducting similar activities, within any area of the state, including the entire state.

A general permit shall not be issued unless the director determines that the discharges authorized by the permit will have only minimal cumulative adverse effects on the environment when the discharges are considered collectively and individually and if, in the opinion of the director, the discharges, installations, or modifications authorized by the permit are more appropriately authorized by a general permit than by an individual permit.

A general permit shall be issued subject to applicable mandatory provisions and may be issued subject to any applicable permissive provision of the Federal Water Pollution Control Act and the regulations adopted thereunder.

The director, at the director's discretion, may require any person authorized to discharge or to install or modify a disposal system under a general permit to apply for and obtain an individual permit for the discharge, installation, or modification. When a particular discharge, installation, or modification is subject to an individual permit, a general permit shall not apply to that discharge, installation, or modification until the individual permit is revoked, terminated, or modified to exclude the discharge, installation, or modification.

(B) Notwithstanding any requirement under Chapter 119. of the Revised Code concerning the manner in which notice of a permit action is provided, the director shall not be required to provide certified mail notice to persons subject to the issuance, modification, revocation, or termination of a general permit under division (A) of this section.

Notwithstanding section 3745.07 of the Revised Code concerning the location of newspapers in which notices of permit actions are published, the director shall cause notice of the issuance, modification, revocation, or termination of a general permit to be published in the newspapers of general circulation determined by the director to provide reasonable notice to persons affected by the permit action in the geographic area covered by the general permit within the time periods prescribed by section 3745.07 of the Revised Code. Any notice under this section or section 3745.07 of the Revised Code concerning the issuance, modification, revocation, or termination of a general permit shall include a summary of the permit action and instructions on how to obtain a copy of the full text of the permit action. The director may take other appropriate measures, such as press releases and notice to trade journals, associations, and other persons known to the director to desire notification, in order to provide notice of the director's actions concerning the issuance, modification, revocation, or termination of a general permit; however, the failure to provide such notice shall not invalidate any general permit.

(C) Notwithstanding any other provision of the Revised Code, a person subject to the proposed issuance, modification, revocation, or termination of a general permit under division (A) of this section may request an adjudication hearing pursuant to section 119.07 of the Revised Code concerning the proposed action within thirty days after publication of the notice of the proposed action in newspapers of general circulation pursuant to division (B) of this section. This division shall not be interpreted to affect the authority of the director to take actions on general permits in forms other than proposed general permits.

(D) The director may exercise all incidental powers required to carry out

this section, including, without limitation, the adoption, amendment, and rescission of rules to implement a general permit program for classes or categories of dischargers or disposal systems.

(E) On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, this section does not apply to storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or to manure, as defined in that section.

(F) As used in this section, "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal Wastewater Treatment Construction Grant Amendments of 1981," 95 Stat. 1623, 33 U.S.C.A. 1281, and the "Water Quality Act of 1987," 101 Stat. 7, 33 U.S.C.A. 1251.

Sec. 6111.044. Upon receipt of an application for an injection well drilling permit, an injection well operating permit, a renewal of an injection well operating permit, or a modification of an injection well drilling permit, operating permit, or renewal of an operating permit, the director of environmental protection shall determine whether the application is complete and demonstrates that the activities for which the permit, renewal permit, or modification is requested will comply with the Federal Water Pollution Control Act and regulations adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted under it; and this chapter and the rules adopted under it. If the application demonstrates that the proposed activities will not comply or will pose an unreasonable risk of inducing seismic activity, inducing geologic fracturing, or contamination of an underground source of drinking water, the director shall deny the application. If the application does not make the required demonstrations, the director shall return it to the applicant with an indication of those matters about which a required demonstration was not made. If the director determines that the application makes the required demonstrations, the director shall transmit copies of the application and all of the accompanying 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 comments, and the accompanying evaluation 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 water shall assist the director in determining whether all underground sources of drinking water in the area of review of the proposed well or injection have been identified and correctly delineated in the application. If the application fails to identify or correctly delineate an underground source of drinking water, the chief shall provide written notice of that fact to the director.

The chief of the division of mineral resources management also shall review the application as follows:

If the application concerns the drilling or conversion of a well or the injection into a well that is not or is not to be located within five thousand feet of the excavation and workings of a mine, the chief of the division of mineral resources management shall note upon the application that it has been examined by the division of mineral resources management, retain a copy of the application and map, and immediately return a copy of the application to the director.

If the application concerns the drilling or conversion of a well or the injection into a well that is or is to be located within five thousand feet, but more than five hundred feet from the surface excavations and workings of a mine, the chief of the division of mineral resources management immediately shall notify the owner or lessee of the mine that the application has been filed and send to the owner or lessee a copy of the map accompanying the application setting forth the location of the well. The chief of the division of mineral resources management shall note on the application that the notice has been sent to the owner or lessee of the mine, retain a copy of the application and map, and immediately return a copy of the application to the director with the chief's notation on it.

If the application concerns the drilling or conversion of a well or the injection into a well that is or is to be located within five thousand feet of the underground excavations and workings of a mine or within five hundred feet of the surface excavations and workings of a mine, the chief of the division of mineral resources management immediately shall notify the owner or lessee of the mine that the application has been filed and send to the owner or lessee a copy of the map accompanying the application setting forth the location of the well. If the owner or lessee objects to the application, the owner or lessee shall notify the chief of the division of mineral resources management of the objection, giving the reasons, within six days after the receipt of the notice. If the chief of the division of mineral resources management receives no objections from the owner or lessee of the mine within ten days after the receipt of the notice by the owner or lessee, or if in the opinion of the chief of the division of mineral resources management the objections offered by the owner or lessee are not sufficiently well-founded, the chief shall retain a copy of the application and map and return a copy of the application to the director with any applicable notes concerning it.

If the chief of the division of mineral resources management receives an objection from the owner or lessee of the mine as to the application, within ten days after receipt of the notice by the owner or lessee, and if in the opinion of the chief the objection is well-founded, the chief shall disapprove the application and immediately return it to the director together with the chief's reasons for the disapproval. The director promptly shall notify the applicant for the permit, renewal permit, or modification of the disapproval. The applicant may appeal the disapproval of the application by the chief of the division of mineral resources management to the ~~mine examining board~~ reclamation commission created under section ~~1561.10~~ 1513.05 of the Revised Code, and the ~~board~~ commission shall hear the appeal in

accordance with section ~~1561.53~~ 1513.13 of the Revised Code. The appeal shall be filed within thirty days from the date the applicant receives notice of the disapproval. No comments concerning or disapproval of an application shall be delayed by the chief of the division of mineral resources management for more than fifteen days from the date of sending of notice to the mine owner or lessee as required by this section.

The director shall not approve an application for an injection well drilling permit, an injection well operating permit, a renewal of an injection well operating permit, or a modification of an injection well drilling permit, operating permit, or renewal of an operating permit for a well that is or is to be located within three hundred feet of any opening of any mine used as a means of ingress, egress, or ventilation for persons employed in the mine, nor within one hundred feet of any building or flammable structure connected with the mine and actually used as a part of the operating equipment of the mine, unless the chief of the division of mineral resources management determines that life or property will not be endangered by drilling and operating the well in that location.

Upon review by 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, and if the chief of the division of mineral resources management has not disapproved the application, the director shall issue a permit, renewal permit, or modification with any terms and conditions that may be necessary to comply with the Federal Water Pollution Control Act and regulations adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, and regulations adopted under it; and this chapter and the rules adopted under it. The director shall not issue a permit, renewal permit, or modification to an applicant if the applicant or persons associated with the applicant have engaged in or are engaging in a substantial violation of this chapter that is endangering or may endanger human health or the environment or if, in the case of an applicant for an injection well drilling permit, the applicant, at the time of applying for the permit, did not hold an injection well operating permit or renewal of an injection well drilling permit and failed to demonstrate sufficient expertise and competency to operate the well in compliance with the applicable provisions of this chapter.

If the director receives a disapproval from the chief of the division of mineral resources management regarding an application for an injection well drilling or operating permit, renewal permit, or modification, if required, the director shall issue an order denying the application.

The director need not issue a proposed action under section 3745.07 of

the Revised Code or hold an adjudication hearing under that section and Chapter 119. of the Revised Code before issuing or denying a permit, renewal permit, or modification of a permit or renewal permit. Before issuing or renewing a permit to drill or operate a class I injection well or a modification of it, the director shall propose the permit, renewal permit, or modification in draft form and shall hold a public hearing to receive public comment on the draft permit, renewal permit, or modification. At least fifteen days before the public hearing on a draft permit, renewal permit, or modification, the director shall publish notice of the date, time, and location of the public hearing in at least one newspaper of general circulation serving the area where the well is or is to be located. The proposing of such a draft permit, renewal permit, or modification does not constitute the issuance of a proposed action under section 3745.07 of the Revised Code, and the holding of the public hearing on such a draft permit, renewal permit, or modification does not constitute the holding of an adjudication hearing under that section and Chapter 119. of the Revised Code. Appeals of orders other than orders of the chief of the division of mineral resources management shall be taken under sections 3745.04 to 3745.08 of the Revised Code.

The director may order that an injection well drilling permit or an injection well operating permit or renewal permit be suspended and that activities under it cease after determining that those activities are occurring in violation of law, rule, order, or term or condition of the permit. Upon service of a copy of the order upon the permit holder or the permit holder's authorized agent or assignee, the permit and activities under it shall be suspended immediately without prior hearing and shall remain suspended until the violation is corrected and the order of suspension is lifted. If a violation is the second within a one-year period, the director, after a hearing, may revoke the permit.

The director may order that an injection well drilling permit or an injection well operating permit or renewal permit be suspended and that activities under it cease if the director has reasonable cause to believe that the permit would not have been issued if the information available at the time of suspension had been available at the time a determination was made by one of the agencies acting under authority of this section. Upon service of a copy of the order upon the permit holder or the permit holder's authorized agent or assignee, the permit and activities under it shall be suspended immediately without prior hearing, but a permit may not be suspended for that reason without prior hearing unless immediate suspension is necessary to prevent waste or contamination of oil or gas, comply with the Federal Water Pollution Control Act and regulations

ed under it; the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted under it; and this chapter and the rules adopted under it, or prevent damage to valuable mineral resources, prevent contamination of an underground source of drinking water, or prevent danger to human life or health. If after a hearing the director determines that the permit would not have been issued if the information available at the time of the hearing had been available at the time a determination was made by one of the agencies acting under authority of this section, the director shall revoke the permit.

When a permit has been revoked, the permit holder or other person responsible for it immediately shall plug the well in the manner required by the director.

The director may issue orders to prevent or require cessation of violations of this section, section 6111.043, 6111.045, 6111.046, or 6111.047 of the Revised Code, rules adopted under any of those sections, and terms or conditions of permits issued under any of them. The orders may require the elimination of conditions caused by the violation.

SECTION 2. That existing sections 9.03, 9.06, 9.821, 9.822, 101.15, 101.27, 101.30, 101.311, 101.34, 101.37, 101.72, 101.73, 102.02, 102.03, 102.031, 102.06, 103.143, 105.41, 107.10, 111.16, 111.18, 111.23, 111.25, 118.08, 120.06, 120.16, 120.26, 120.33, 121.40, 121.63, 122.011, 122.71, 122.76, 122.92, 124.24, 124.82, 125.22, 126.11, 126.21, 127.16, 131.01, 133.021, 133.06, 133.07, 135.80, 135.81, 135.82, 135.83, 135.84, 135.85, 135.86, 135.87, 140.01, 145.01, 145.33, 147.01, 147.02, 147.03, 147.05, 147.06, 147.13, 147.14, 147.37, 147.371, 151.04, 166.03, 169.01, 173.35, 173.40, 173.46, 173.47, 175.03, 175.21, 175.22, 175.24, 179.02, 179.03, 179.04, 181.51, 181.52, 181.54, 181.55, 181.56, 183.09, 183.10, 183.17, 183.28, 183.30, 301.27, 307.86, 313.091, 325.071, 329.04, 329.042, 339.05, 340.02, 340.03, 340.08, 340.091, 349.01, 503.162, 504.03, 504.04, 505.24, 507.09, 737.03, 901.43, 901.63, 901.81, 901.82, 917.07, 917.99, 1309.40, 1309.401, 1309.402, 1309.42, 1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 1329.421, 1329.45, 1329.56, 1329.58, 1329.60, 1329.601, 1345.21, 1501.01, 1501.23, 1501.40, 1503.011, 1507.01, 1509.06, 1509.071, 1509.08, 1509.11, 1509.23, 1513.05, 1513.13, 1513.14, 1514.11, 1517.05, 1517.06, 1517.07, 1521.04, 1531.35, 1533.13, 1547.67, 1561.05, 1561.07, 1561.11, 1561.12, 1561.13, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1561.23, 1561.26, 1561.35, 1561.351, 1561.46, 1561.51, 1561.52, 1563.13, 1565.04, 1565.06, 1565.07, 1565.08, 1565.25, 1701.05, 1701.07, 1701.81, 1702.05, 1702.06, 1702.43, 1702.59, 1703.04, 1703.041,

1703.15, 1703.17, 1703.27, 1703.31, 1705.05, 1705.06, 1705.38, 1705.55,
1746.04, 1746.06, 1746.15, 1747.03, 1747.04, 1747.10, 1775.63, 1775.64,
1782.04, 1782.08, 1782.09, 1782.433, 1785.06, 1901.26, 1907.24, 2303.201,
2317.02, 2317.022, 2329.66, 2715.041, 2715.045, 2716.13, 2919.271,
2921.13, 2953.21, 3109.14, 3119.022, 3301.075, 3301.70, 3301.80, 3301.85,
3307.05, 3311.057, 3313.201, 3313.37, 3313.41, 3313.603, 3313.64,
3314.07, 3314.08, 3314.09, 3316.20, 3317.01, 3317.012, 3317.013,
3317.014, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.029,
3317.0210, 3317.0212, 3317.0213, 3317.0216, 3317.03, 3317.05, 3317.051,
3317.06, 3317.064, 3317.10, 3317.11, 3317.13, 3317.16, 3317.161,
3317.162, 3317.19, 3317.20, 3318.01, 3318.04, 3318.05, 3318.053, 3318.06,
3318.08, 3318.10, 3318.12, 3318.31, 3318.36, 3318.362, 3318.37, 3318.38,
3319.19, 3321.01, 3323.09, 3323.091, 3327.10, 3333.02, 3333.03, 3333.043,
3333.12, 3333.13, 3333.21, 3333.22, 3345.05, 3345.19, 3353.07, 3383.01,
3383.02, 3383.04, 3383.07, 3505.063, 3701.04, 3701.142, 3701.77,
3701.771, 3701.772, 3702.68, 3704.034, 3721.10, 3721.12, 3721.13,
3721.15, 3721.16, 3721.17, 3721.51, 3721.56, 3722.01, 3722.15, 3722.16,
3734.28, 3734.57, 3734.82, 3734.901, 3734.904, 3735.27, 3745.014,
3745.04, 3745.11, 3745.22, 3750.02, 3750.13, 3769.08, 3769.085, 3769.087,
3769.20, 3770.06, 3773.56, 3793.04, 3902.23, 3923.28, 3923.29, 3923.30,
4105.17, 4115.10, 4121.44, 4123.27, 4301.12, 4301.17, 4301.24, 4301.422,
4301.43, 4303.33, 4303.331, 4503.10, 4503.102, 4503.12, 4503.182,
4504.05, 4505.061, 4506.08, 4507.23, 4507.24, 4507.50, 4507.52, 4511.81,
4519.03, 4519.10, 4519.56, 4519.69, 4701.10, 4701.16, 4707.01, 4707.011,
4707.02, 4707.03, 4707.04, 4707.05, 4707.06, 4707.07, 4707.071, 4707.072,
4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4707.12, 4707.13, 4707.15,
4707.152, 4707.16, 4707.19, 4707.20, 4707.21, 4707.23, 4707.99, 4713.10,
4715.03, 4715.13, 4715.14, 4715.16, 4715.21, 4715.24, 4715.27, 4717.02,
4717.07, 4717.08, 4717.09, 4723.08, 4723.32, 4723.79, 4725.44, 4725.48,
4725.49, 4731.14, 4731.281, 4731.53, 4734.20, 4736.12, 4736.14, 4743.05,
4755.01, 4761.05, 4775.01, 4775.02, 4775.08, 4775.99, 4779.01, 4779.02,
4779.16, 4779.19, 4779.20, 4779.26, 4911.17, 4921.18, 4923.11, 5101.071,
5101.14, 5101.141, 5101.145, 5101.184, 5101.19, 5101.35, 5101.36,
5101.50, 5101.521, 5101.54, 5101.80, 5101.83, 5101.85, 5101.853,
5101.854, 5103.031, 5103.033, 5103.036, 5103.0312, 5103.0313,
5103.0314, 5103.0316, 5103.07, 5104.32, 5104.341, 5107.02, 5107.10,
5107.14, 5107.18, 5108.01, 5108.06, 5108.07, 5108.08, 5108.09, 5108.10,
5111.01, 5111.022, 5111.041, 5111.17, 5111.22, 5111.231, 5111.25,
5111.251, 5111.262, 5111.28, 5111.29, 5111.87, 5119.01, 5119.06, 5119.22,
5119.61, 5122.31, 5123.01, 5123.041, 5123.043, 5123.082, 5123.60,

5123.71, 5123.76, 5126.01, 5126.041, 5126.042, 5126.05, 5126.051, 5126.053, 5126.06, 5126.071, 5126.08, 5126.11, 5126.12, 5126.15, 5126.16, 5126.18, 5126.19, 5126.20, 5126.22, 5126.25, 5126.31, 5126.311, 5126.32, 5126.357, 5126.431, 5139.01, 5139.11, 5139.29, 5139.31, 5153.16, 5153.165, 5153.60, 5153.69, 5153.78, 5703.17, 5703.49, 5705.091, 5705.19, 5705.41, 5705.44, 5709.17, 5711.33, 5721.30, 5725.31, 5727.25, 5727.26, 5727.81, 5727.811, 5727.82, 5727.84, 5727.85, 5727.86, 5727.87, 5728.08, 5729.07, 5731.21, 5733.02, 5733.021, 5733.053, 5733.056, 5733.06, 5733.12, 5733.122, 5733.18, 5733.351, 5733.401, 5733.42, 5735.06, 5735.061, 5739.01, 5739.02, 5739.024, 5739.032, 5739.07, 5739.102, 5739.12, 5739.121, 5739.13, 5739.18, 5741.10, 5741.12, 5743.62, 5743.63, 5745.03, 5745.04, 5747.122, 5747.221, 5747.39, 5749.06, 6109.13, 6109.21, 6111.035, and 6111.044 and sections 9.832, 103.31, 103.32, 105.45, 105.46, 121.51, 121.52, 121.53, 131.41, 166.032, 307.031, 1329.68, 1503.35, 1503.351, 1507.12, 1561.10, 1561.53, 1561.54, 1561.55, 2151.652, 3317.0215, 3318.052, 3318.055, 3318.061, 3318.081, 3318.13, 3318.14, 3318.17, 3318.361, 3701.88, 3702.17, 3729.01, 3729.02, 3729.03, 3729.05, 3729.10, 3729.11, 3729.12, 3729.14, 3729.15, 3729.16, 3729.17, 3729.18, 3729.21, 3729.22, 3729.23, 3729.24, 3729.26, 3729.29, 3729.36, 3729.40, 3729.41, 3729.43, 3729.45, 3729.46, 3729.55, 3729.61, 3729.99, 5101.143, 5101.52, 5101.541, 5101.542, 5101.543, 5101.851, 5101.852, 5111.34, 5111.341, 5111.88, 5126.054, 5139.28, and 5741.18 of the Revised Code are hereby repealed.

SECTION 3. That sections 1517.05, 1517.06, and 1517.07 of the Revised Code be amended to read as follows:

Sec. 1517.05. The department of natural resources, for and on behalf of the state, shall acquire a system of nature preserves for the following uses and purposes:

(A) For scientific research in such fields as ecology, taxonomy, genetics, forestry, pharmacology, agriculture, soil science, geology, paleontology, conservation, and similar fields;

(B) For the teaching of biology, natural history, ecology, geology, conservation, and other subjects;

(C) As habitats for plant and animal species and communities and other natural objects;

(D) As reservoirs of natural materials;

(E) As places of natural interest and beauty;

(F) For visitation whereby persons may observe and experience natural biotic and environmental systems of the earth and their processes;

(G) To promote understanding and appreciation of the aesthetic,

cultural, scientific, and spiritual values of such areas by the people of the state;

(H) For the preservation and protection of nature preserves against modification or encroachment resulting from occupation, development, or other use that would destroy their natural or aesthetic conditions.

The director of natural resources, upon the advice and concurrence of the Ohio natural areas council, shall accept natural areas by articles of dedication or gift, provided that funds and services are available for their preservation and protection.

A nature preserve is established when articles of dedication have been filed by or at the direction of the owner of land, or a governmental agency having ownership or control thereof, in the office of the county recorder of the county in which the land is located.

Articles of dedication shall be executed by the owner of the land in the same manner and with the same effect as a conveyance of an interest in land and shall be irrevocable except as provided in this section. The county recorder may not accept articles of dedication for recording unless they have been accepted by the director of natural resources. The director may not accept articles of dedication unless they contain terms restricting the use of the land that adequately provide for its preservation and protection against modification or encroachment resulting from occupation, development, or other use that would destroy its natural or aesthetic conditions for one or more of the uses and purposes set forth in this section. Wherever possible and consistent with such preservation and protection of the land, the articles shall provide for public access in order that the maximum benefit be obtained for the uses and purposes stated in this section.

Articles of dedication may contain provisions for the management, custody, and transfer of land, provisions defining the rights of the owner or operating agency, and the department, and such other provisions as may be necessary or advisable to carry out the uses and purposes for which the land is dedicated. They may contain conditions under which the owner and the director of natural resources may agree to rescind the articles.

The attorney general, upon request of the director of natural resources, may bring an action for injunction in any court of competent jurisdiction to enforce the terms of articles of dedication.

The department may make or accept amendments of any articles of dedication upon terms and conditions that ~~the director of natural resources determines~~ will not destroy the natural or aesthetic conditions of a preserve; ~~including amendments that are in regard to a dedicated preserve not owned in fee simple by the department and that provide for the relocation of an~~

~~existing easement, license, or right of way within the boundaries of the preserve if the relocation best serves to protect the natural or aesthetic condition of the preserve.~~ If the fee simple interest in the area or preserve is not held by the state, no amendments shall be made without the written consent of the owner. Each amendment shall be recorded in the same manner as the articles of dedication.

Sec. 1517.06. ~~(A)~~ Nature preserves dedicated under section 1517.05 of the Revised Code are to be held in trust, for the uses and purposes set forth in that section, for the benefit of the people of the state of present and future generations. They shall be managed and protected in the manner approved by, and subject to rules established by the chief of the division of natural areas and preserves. They shall not be taken for any other use except another public use after a finding by the department of natural resources of the existence of an imperative and unavoidable public necessity for such other public use and with the approval of the governor. Except as may otherwise be provided in the articles of dedication, the department may grant, upon such terms and conditions as it may determine, an estate, interest, or right in, or dispose of, a nature preserve, but only after a finding by the department of the existence of an imperative and unavoidable public necessity for ~~such~~ the grant or disposition and with the approval of the governor.

~~(B) For purposes of this section, the relocation of an existing easement, license, or right of way within the boundaries of a preserve does not constitute the taking of land for another use. In addition, the relocation does not require a finding of the existence of an imperative and unavoidable public necessity by the department and does not require the approval of the governor.~~

Sec. 1517.07. ~~(A) Except as provided in division (B) of this section,~~ Before the department of natural resources makes any finding of the existence of an imperative and unavoidable public necessity, or grants any estate, interest, or right in a nature preserve or disposes of a nature preserve or of any estate, interest, or right therein as provided in section 1517.06 of the Revised Code, it shall give notice of the proposed action and an opportunity for any person to be heard at a public hearing in the county in which the preserve is located. In the event the preserve is located in more than one county, the public hearing shall be held in the most populous county. The notice shall be published at least once in a newspaper with a general circulation in the county in which the nature preserve is located. The notice shall set forth the substance of the proposed action and describe, with or without legal description, the nature preserve affected, and shall specify a place and time not less than thirty days after the publication for a public

hearing before the department on the proposed action. All persons desiring to be heard shall have a reasonable opportunity to be heard prior to action by the department on ~~such~~ the proposal.

~~(B) A public hearing under this section is not required for the relocation of an existing easement, license, or right of way within the boundaries of a preserve.~~

SECTION 3a. That existing sections 1517.05, 1517.06, and 1517.07 of the Revised Code are hereby repealed.

SECTION 3b. Sections 3 and 3a of this act take effect two years after the effective date of this section.

SECTION 4. That the versions of sections 5139.29, 5139.31, and 5705.19 of the Revised Code that are scheduled to take effect January 1, 2002, be amended to read as follows:

Sec. 5139.29. The department of youth services shall adopt and promulgate regulations prescribing the method of calculating the amount of and the time and manner for the payment of financial assistance granted under sections 5139.27, and 5139.271, ~~and 5139.28~~ of the Revised Code, for the construction or acquisition of a district detention facility established under section 2152.41 of the Revised Code, or for the construction and maintenance of a school, forestry camp, or other facility established under section 2151.65 of the Revised Code.

Sec. 5139.31. The department of youth services may inspect any school, forestry camp, district detention facility, or other facility for which an application for financial assistance has been made to the department under section 2152.43, or 2151.651, ~~or 2151.652~~ of the Revised Code or for which financial assistance has been granted by the department under section 5139.27, 5139.271, ~~5139.28~~, or 5139.281 of the Revised Code. The inspection may include, but need not be limited to, examination and evaluation of the physical condition of the school, forestry camp, district detention facility, or other facility, including any equipment used in connection with it; observation and evaluation of the training and treatment of children admitted to it; examination and analysis and copying of any papers, records, or other documents relating to the qualifications of personnel, the commitment of children to it, and its administration.

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 facility district or district organized under section 2151.65 of the Revised Code shall not exceed two mills and that the total levy for current expenses of a combined district organized under sections 2152.41 and 2151.65 of the Revised Code shall not exceed four mills;

(B) For the payment of debt charges on certain described bonds, notes, or certificates of indebtedness of the subdivision issued subsequent to January 1, 1925;

(C) For the debt charges on all bonds, notes, and certificates of indebtedness issued and authorized to be issued prior to January 1, 1925;

(D) For a public library of, or supported by, the subdivision under whatever law organized or authorized to be supported;

(E) For a municipal university, not to exceed two mills over the limitation of one mill prescribed in section 3349.13 of the Revised Code;

(F) For the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue;

(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or townships;

(H) For recreational purposes;

(I) For the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employers' contribution required under section 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company;

(J) For the purpose of providing and maintaining motor vehicles, communications, and other equipment used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department;

(K) For the maintenance and operation of a county home or detention facility;

(L) For community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code, except that the procedure for such levies shall be as provided in section 5705.222 of the Revised Code;

(M) For regional planning;

(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2152.41 or 2151.65 of the Revised Code or both of those sections;

(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;

(P) For maintaining and operating sewage disposal plants and facilities;

(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;

(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;

(S) For the prevention, control, and abatement of air pollution;

(T) For maintaining and operating cemeteries;

(U) For providing ambulance service, emergency medical service, or both;

(V) For providing for the collection and disposal of garbage or refuse, including yard waste;

(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;

(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;

(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;

(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;

(AA) For the maintenance and operation of a free public museum of art, science, or history;

(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;

(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.

(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;

(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;

(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;

(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;

(HH) For a board of township trustees to acquire, other than by appropriation, an ownership interest in land, water, or wetlands, or to restore or maintain land, water, or wetlands in which the board has an ownership interest, not for purposes of recreation, but for the purposes of protecting and preserving the 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;

(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;

(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.

(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.

(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;

(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;

(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.

(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;

(PP) For both of the purposes set forth in divisions (G) and (OO) of this section. This division applies only to a township.

(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 facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;

(b) For providing a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2152.41 or 2151.65 of the Revised Code or under both of those sections.

(3) When the additional rate is for any of the following, the increased rate may be for a continuing period of time:

(a) For the purposes set forth in division (I), (J), (U), or (KK) of this section;

(b) For the maintenance and operation of a joint recreation district;

(c) A levy imposed by a township for the purposes set forth in division (G) of this section.

(4) When the increase is for the purpose set forth in division (D) or (CC) of this section or for both of the purposes set forth in divisions (G) and (OO) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution.

(5) When the additional rate is for the purpose described in division (Z) of this section, the increased rate shall be for any number of years not exceeding ten.

A levy for the purposes set forth in division (I), (J), or (U) of this section, and a levy imposed by a township for the purposes set forth in division (G) of this section, may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for the purposes set forth in division (I), (J), or (U) of this section, and a levy imposed by a township for the purposes set forth in division (G) of this section, may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount.

A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2152.41 and 2151.65 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year

of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment.

Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the Revised Code, by resolution declares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems, the tax may be in effect for any number of years not exceeding twenty, and the proceeds of the tax, notwithstanding the general provisions of this section, may be used to pay debt charges on any obligations issued and outstanding on behalf of the subdivision for the purposes enumerated in this paragraph, provided that any such obligations have been specifically described in the resolution.

The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

When the electors of a subdivision have approved a tax levy under this section, the taxing authority of the subdivision may anticipate a fraction of the proceeds of the levy and issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code.

SECTION 4a. That the existing versions of sections 5139.29, 5139.31, and 5705.19 and the version of section 2151.652 of the Revised Code that are scheduled to take effect January 1, 2002, are hereby repealed.

SECTION 5. Sections 4 and 4a of this act shall take effect on January 1, 2002.

SECTION 6. That the versions of sections 5139.01 and 5139.11 of the Revised Code that are scheduled to take effect January 1, 2002, be amended to read as follows:

Sec. 5139.01. (A) As used in this chapter:

(1) "Commitment" means the transfer of the physical custody of a child or youth from the court to the department of youth services.

(2) "Permanent commitment" means a commitment that vests legal custody of a child in the department of youth services.

(3) "Legal custody," insofar as it pertains to the status that is created

when a child is permanently committed to the department of youth services, means a legal status in which the department has the following rights and responsibilities: the right to have physical possession of the child; the right and duty to train, protect, and control the child; the responsibility to provide the child with food, clothing, shelter, education, and medical care; and the right to determine where and with whom the child shall live, subject to the minimum periods of, or periods of, institutional care prescribed in sections 2152.13 to 2152.18 of the Revised Code; provided, that these rights and responsibilities are exercised subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child, and subject to any residual parental rights and responsibilities.

(4) Unless the context requires a different meaning, "institution" means a state facility that is created by the general assembly and that is under the management and control of the department of youth services or a private entity with which the department has contracted for the institutional care and custody of felony delinquents.

(5) "Full-time care" means care for twenty-four hours a day for over a period of at least two consecutive weeks.

(6) "Placement" means the conditional release of a child under the terms and conditions that are specified by the department of youth services. The department shall retain legal custody of a child released pursuant to division (C) of section 2152.22 of the Revised Code or division (C) of section 5139.06 of the Revised Code until the time that it discharges the child or until the legal custody is terminated as otherwise provided by law.

(7) "Home placement" means the placement of a child in the home of the child's parent or parents or in the home of the guardian of the child's person.

(8) "Discharge" means that the department of youth services' legal custody of a child is terminated.

(9) "Release" means the termination of a child's stay in an institution and the subsequent period during which the child returns to the community under the terms and conditions of supervised release.

(10) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

(11) "Felony delinquent" means any child who is at least twelve years of age but less than eighteen years of age and who is adjudicated a delinquent child for having committed an act that if committed by an adult would be a felony. "Felony delinquent" includes any adult who is between the ages of eighteen and twenty-one and who is in the legal custody of the department of youth services for having committed an act that if committed by an adult

would be a felony.

(12) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(13) "Public safety beds" means all of the following:

(a) Felony delinquents who have been committed to the department of youth services for the commission of an act, other than a violation of section 2911.01 or 2911.11 of the Revised Code, that is a category one offense or a category two offense and who are in the care and custody of an institution or have been diverted from care and custody in an institution and placed in a community corrections facility;

(b) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution or a community corrections facility, are adjudicated delinquent children for having committed in that institution or community corrections facility an act that if committed by an adult would be a felony;

(c) Children who satisfy all of the following:

(i) They are at least twelve years of age but less than eighteen years of age.

(ii) They are adjudicated delinquent children for having committed acts that if committed by an adult would be a felony.

(iii) They are committed to the department of youth services by the juvenile court of a county that has had one-tenth of one per cent or less of the statewide adjudications for felony delinquents as averaged for the past four fiscal years.

(iv) They are in the care and custody of an institution or a community corrections facility.

(d) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution, commit in that institution an act that if committed by an adult would be a felony, who are serving disciplinary time for having committed that act, and who have been institutionalized or institutionalized in a secure facility for the minimum period of time specified in divisions (A)(1)(b) to (e) of section 2152.16 of the Revised Code.

(e) Felony delinquents who are subject to and serving a three-year period of commitment order imposed by a juvenile court pursuant to divisions (A) and (B) of section 2152.17 of the Revised Code for an act, other than a violation of section 2911.11 of the Revised Code, that would be a category one offense or category two offense if committed by an adult.

(f) Felony delinquents who are described in divisions (A)(13)(a) to (e) of this section, who have been granted a judicial release to court supervision

under division (B) of section 2152.22 of the Revised Code or a judicial release to the department of youth services supervision under division (C) of that section from the commitment to the department of youth services for the act described in divisions (A)(13)(a) to (e) of this section, who have violated the terms and conditions of that release, and who, pursuant to an order of the court of the county in which the particular felony delinquent was placed on release that is issued pursuant to division (D) of section 2152.22 of the Revised Code, have been returned to the department for institutionalization or institutionalization in a secure facility.

(g) Felony delinquents who have been committed to the custody of the department of youth services, who have been granted supervised release from the commitment pursuant to section 5139.51 of the Revised Code, who have violated the terms and conditions of that supervised release, and who, pursuant to an order of the court of the county in which the particular child was placed on supervised release issued pursuant to division (F) of section 5139.52 of the Revised Code, have had the supervised release revoked and have been returned to the department for institutionalization. A felony delinquent described in this division shall be a public safety bed only for the time during which the felony delinquent is institutionalized as a result of the revocation subsequent to the initial thirty-day period of institutionalization required by division (F) of section 5139.52 of the Revised Code.

(14) "State target youth" means twenty-five per cent of the projected total number of felony delinquents for each year of a biennium, factoring in revocations and recommitments.

(15) Unless the context requires a different meaning, "community corrections facility" means a county or multicounty rehabilitation center for felony delinquents who have been committed to the department of youth services and diverted from care and custody in an institution and placed in the rehabilitation center pursuant to division (E) of section 5139.36 of the Revised Code.

(16) "Secure facility" means any facility that is designed and operated to ensure that all of its entrances and exits are under the exclusive control of its staff and to ensure that, because of that exclusive control, no child who has been institutionalized in the facility may leave the facility without permission or supervision.

(17) "Community residential program" means a program that satisfies both of the following:

(a) It is housed in a building or other structure that has no associated major restraining construction, including, but not limited to, a security fence.

(b) It provides twenty-four-hour care, supervision, and programs for felony delinquents who are in residence.

(18) "Category one offense" and "category two offense" have the same meanings as in section 2151.26 of the Revised Code.

(19) "Disciplinary time" means additional time that the department of youth services requires a felony delinquent to serve in an institution, that delays the person's or felony delinquent's planned release, and that the department imposes upon the person or felony delinquent following the conduct of an internal due process hearing for having committed any of the following acts while committed to the department and in the care and custody of an institution:

(a) An act that if committed by an adult would be a felony;

(b) An act that if committed by an adult would be a misdemeanor;

(c) An act that is not described in division (A)(19)(a) or (b) of this section and that violates an institutional rule of conduct of the department.

(20) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.

(21) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code.

(22) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.

(23) "Supervised release" means the event of the release of a child under this chapter from an institution and the period after that release during which the child is supervised and assisted by an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community.

(24) "Victim" means the person identified in a police report, complaint, or information as the victim of an act that would have been a criminal offense if committed by an adult and that provided the basis for adjudication proceedings resulting in a child's commitment to the legal custody of the department of youth services.

(25) "Victim's representative" means a member of the victim's family or another person whom the victim or another authorized person designates in writing, pursuant to section 5139.56 of the Revised Code, to represent the victim with respect to proceedings of the release authority of the department of youth services and with respect to other matters specified in that section.

(26) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, other relative, or legal guardian of a child but does not include a person charged with, convicted of, or

udicated a delinquent child for committing a criminal or delinquent act against the victim or another criminal or delinquent act arising out of the same conduct, criminal or delinquent episode, or plan as the criminal or delinquent act committed against the victim.

(27) "Judicial release to court supervision" means a release of a child from institutional care or institutional care in a secure facility that is granted by a court pursuant to division (B) of section 2152.22 of the Revised Code during the period specified in that division.

(28) "Judicial release to department of youth services supervision" means a release of a child from institutional care or institutional care in a secure facility that is granted by a court pursuant to division (C) of section 2152.22 of the Revised Code during the period specified in that division.

(29) "Juvenile justice system" includes all of the functions of the juvenile courts, the department of youth services, any public or private agency whose purposes include the prevention of delinquency or the diversion, adjudication, detention, or rehabilitation of delinquent children, and any of the functions of the criminal justice system that are applicable to children.

(30) "Metropolitan county criminal justice services agency" means an agency that is established pursuant to division (A) of section 181.54 of the Revised Code.

(31) "Administrative planning district" means a district that is established pursuant to division (A) or (B) of section 181.56 of the Revised Code.

(32) "Criminal justice coordinating council" means a criminal justice services agency that is established pursuant to division (D) of section 181.56 of the Revised Code.

(33) "Comprehensive plan" means a document that coordinates, evaluates, and otherwise assists, on an annual or multi-year basis, all of the functions of the juvenile justice systems of the state or a specified area of the state, that conforms to the priorities of the state with respect to juvenile justice systems, and that conforms with the requirements of all federal criminal justice acts. These functions include, but are not limited to, all of the following:

(a) Delinquency;

(b) Identification, detection, apprehension, and detention of persons charged with delinquent acts;

(c) Assistance to crime victims or witnesses, except that the comprehensive plan does not include the functions of the attorney general pursuant to sections 109.91 and 109.92 of the Revised Code;

(d) Adjudication or diversion of persons charged with delinquent acts;

(e) Custodial treatment of delinquent children;

(f) Institutional and noninstitutional rehabilitation of delinquent children.

(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.

The director is the chief executive and administrative officer of the department and has all the powers of a department head set forth in Chapter 121. of the Revised Code. The director may adopt rules for the government of the department, the conduct of its officers and employees, the performance of its business, and the custody, use, and preservation of the department's records, papers, books, documents, and property. The director shall be an appointing authority within the meaning of Chapter 124. of the Revised Code. Whenever this or any other chapter or section of the Revised Code imposes a duty on or requires an action of the department, the duty or action shall be performed by the director or, upon the director's order, in the name of the department.

Sec. 5139.11. The department of youth services shall do all of the following:

(A) Through a program of education, promotion, and organization, form groups of local citizens and assist these groups in conducting activities aimed at the prevention and control of juvenile delinquency, making use of local people and resources for the following purposes:

(1) Combatting local conditions known to contribute to juvenile delinquency;

(2) Developing recreational and other programs for youth work;

(3) Providing adult sponsors for delinquent children cases;

(4) Dealing with other related problems of the locality.

(B) Advise local, state, and federal officials, public and private agencies, and lay groups on the needs for and possible methods of the reduction and prevention of juvenile delinquency and the treatment of delinquent children;

(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, and utilizing the recreational resources of a community as a means of combatting the problem of juvenile delinquency and effectuating rehabilitation;

(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;

(G) Assemble and distribute information relating to juvenile delinquency and report on studies relating to community conditions that affect the problem of juvenile delinquency;

(H) Assist any community within the state by conducting a comprehensive survey of the community's available public and private resources, and recommend methods of establishing a community program for combatting juvenile delinquency and crime, but no survey of that type shall be conducted unless local individuals and groups request it through their local authorities, and no request of that type shall be interpreted as binding the community to following the recommendations made as a result of the request;

(I) Evaluate the rehabilitation of children committed to the department and prepare and submit periodic reports to the committing court for the following purposes:

(1) Evaluating the effectiveness of institutional treatment;

(2) Making recommendations for judicial release under section 2152.22 of the Revised Code if appropriate and recommending conditions for judicial release;

(3) Reviewing the placement of children and recommending alternative placements where appropriate.

(J) Coordinate dates for hearings to be conducted under section 2152.22 of the Revised Code and assist in the transfer and release of children from institutionalization to the custody of the committing court;

(K)(1) Coordinate and assist juvenile justice systems by doing the following:

(a) Performing juvenile justice system planning in the state, including any planning that is required by any federal law;

(b) Collecting, analyzing, and correlating information and data concerning the juvenile justice system in the state;

(c) Cooperating with and providing technical assistance to state departments, administrative planning districts, metropolitan 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.

(j) Contracting with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the department;

(k) Overseeing the activities of metropolitan county criminal justice services agencies, administrative planning districts, and juvenile justice coordinating councils in the state;

(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;

(m) Preparing and recommending legislation to the general assembly and governor for the improvement of the juvenile justice system in the state;

(n) Assisting, advising, and making any reports that are required by the

governor, attorney general, or general assembly:

(o) Adopting rules pursuant to Chapter 119. of the Revised Code.

(2) Division (K)(1) of this section does not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal and juvenile justice programs.

(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.

(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.

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.

SECTION 8. Sections 6 and 7 of this act shall take effect on January 1, 2002.

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.

FND	AI	AI TITLE		FY 2002		FY 2003
-----	----	----------	--	---------	--	---------

SECTION 10. ACC ACCOUNTANCY BOARD OF OHIO

General Services Fund Group

4J8	889-601	CPA Education Assistance	\$	204,400	\$	209,510
4K9	889-609	Operating Expenses	\$	870,318	\$	917,458
TOTAL GSF General Services Fund						
Group			\$	1,074,718	\$	1,126,968
TOTAL ALL BUDGET FUND GROUPS			\$	1,074,718	\$	1,126,968

SECTION 11. PAY ACCRUED LEAVE LIABILITY

Accrued Leave Liability Fund Group

806	995-666	Accrued Leave Fund	\$	52,083,178	\$	56,760,331
807	995-667	Disability Fund	\$	42,843,384	\$	47,127,722
TOTAL ALF Accrued Leave Liability						

Fund Group		\$	94,926,562	\$	103,888,053	
Agency Fund Group						
808	995-668	State Employee Health Benefit Fund	\$	163,866,236	\$	187,635,594
809	995-669	Dependent Care Spending Account	\$	3,050,554	\$	3,355,609
810	995-670	Life Insurance Investment Fund	\$	2,109,592	\$	2,236,167
811	995-671	Parental Leave Benefit Fund	\$	4,914,815	\$	6,143,519
TOTAL AGY Agency Fund Group			\$	173,941,197	\$	199,370,889
TOTAL ALL BUDGET FUND GROUPS			\$	268,867,759	\$	303,258,942

ACCRUED LEAVE LIABILITY FUND

The foregoing appropriation item 995-666, Accrued Leave Fund, shall be used to make payments from the Accrued Leave Liability Fund (Fund 806), pursuant to section 125.211 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND

The foregoing appropriation item 995-667, Disability Fund, shall be used to make payments from the State Employee Disability Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.

STATE EMPLOYEE HEALTH BENEFIT FUND

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.

DEPENDENT CARE SPENDING ACCOUNT

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.

LIFE INSURANCE INVESTMENT FUND

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.

PARENTAL LEAVE BENEFIT FUND

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.

SECTION 12. ADJ ADJUTANT GENERAL

General Revenue Fund

GRF 745-401	Ohio Military Reserve	\$	14,901	\$	15,200
GRF 745-404	Air National Guard	\$	1,845,527	\$	1,921,854
GRF 745-409	Central Administration	\$	3,975,185	\$	4,222,598
GRF 745-499	Army National Guard	\$	3,878,881	\$	3,988,519
GRF 745-502	Ohio National Guard Unit Fund	\$	106,980	\$	103,058
TOTAL GRF General Revenue Fund		\$	9,821,474	\$	10,251,229

General Services Fund Group

534 745-612	Armory Improvements	\$	529,014	\$	534,304
536 745-620	Camp Perry Clubhouse and Rental	\$	1,054,359	\$	1,094,970
537 745-604	ONG Maintenance	\$	214,464	\$	219,826
TOTAL GSF General Services Fund Group		\$	1,797,837	\$	1,849,100

Federal Special Revenue Fund Group

3E8 745-628	Air National Guard Operations and Maintenance Agreement	\$	11,821,084	\$	12,770,931
3R8 745-603	Counter Drug Operations	\$	25,000	\$	25,000
3S0 745-602	Higher Ground Training	\$	20,000	\$	20,000
341 745-615	Air National Guard Base Security	\$	1,770,744	\$	1,841,573
342 745-616	Army National Guard Service Agreement	\$	6,429,352	\$	6,749,210
TOTAL FED Federal Special Revenue Fund Group		\$	20,066,180	\$	21,406,714

State Special Revenue Fund Group

528 745-605	Marksmanship Activities	\$	64,466	\$	66,078
TOTAL SSR State Special Revenue Fund Group		\$	64,466	\$	66,078
TOTAL ALL BUDGET FUND GROUPS		\$	31,749,957	\$	33,573,121

ARMY NATIONAL GUARD SERVICE AGREEMENT AND ARMY NATIONAL GUARD TRAINING SITE AGREEMENT

On July 1, 2001, or as soon thereafter as possible, the Adjutant General shall certify to the Director of Budget and Management the cash balance in Fund 343, Army National Guard Training Site Agreement. The Director of Budget and Management shall transfer the certified amount from Fund 343 to Fund 342, Army National Guard Service Agreement. Any existing

mbrances in appropriation item 745-619, Army National Guard Training Site Agreement (Fund 343), shall be canceled and reestablished against appropriation item 745-616, Army National Guard Service Agreement (Fund 342). The amounts of the reestablished encumbrances are appropriated, and Fund 343 is abolished.

SECTION 13. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

General Revenue Fund

GRF 100-402	Unemployment Compensation	\$	107,713	\$	109,114
GRF 100-405	Agency Audit Expenses	\$	662,147	\$	614,704
GRF 100-406	County & University Human Resources Services	\$	850,133	\$	838,777
GRF 100-409	Departmental Information Services	\$	948,332	\$	975,481
GRF 100-414	Ohio Geographically Referenced Information Program	\$	512,410	\$	510,807
GRF 100-416	Strategic Technology Development Programs	\$	3,470,440	\$	5,000,000
GRF 100-417	MARCS	\$	5,350,344	\$	6,176,160
GRF 100-418	E-Government Development	\$	2,000,000	\$	4,000,000
GRF 100-419	Ohio SONET	\$	4,527,924	\$	4,625,879
GRF 100-420	Innovation Ohio	\$	144,000	\$	144,000
GRF 100-421	ERP Project Implementation	\$	600,000	\$	624,000
GRF 100-433	State of Ohio Computer Center	\$	5,003,580	\$	5,027,234
GRF 100-439	Equal Opportunity Certification Programs	\$	817,894	\$	861,093
GRF 100-447	OBA - Building Rent Payments	\$	96,106,300	\$	110,268,500
GRF 100-448	OBA - Building Operating Payments	\$	26,098,000	\$	26,098,000
GRF 100-449	DAS - Building Operating Payments	\$	5,126,955	\$	5,126,968
GRF 100-451	Minority Affairs	\$	119,706	\$	118,043
GRF 100-734	Major Maintenance	\$	70,224	\$	68,376
GRF 102-321	Construction Compliance	\$	1,392,590	\$	1,396,506
GRF 130-321	State Agency Support Services	\$	3,632,427	\$	3,740,888
TOTAL GRF General Revenue Fund		\$	157,541,119	\$	176,324,530

General Services Fund Group

112 100-616	DAS Administration	\$	5,243,105	\$	5,503,547
115 100-632	Central Service Agency	\$	399,438	\$	376,844
117 100-644	General Services Division - Operating	\$	5,790,000	\$	7,091,000
122 100-637	Fleet Management	\$	1,600,913	\$	1,652,189
125 100-622	Human Resources Division - Operating	\$	23,895,125	\$	24,640,311
127 100-627	Vehicle Liability Insurance	\$	3,373,835	\$	3,487,366

128	100-620	Collective Bargaining	\$	3,292,859	\$	3,410,952
130	100-606	Risk Management Reserve	\$	185,900	\$	197,904
131	100-639	State Architect's Office	\$	7,504,787	\$	7,772,789
132	100-631	DAS Building Management	\$	10,887,913	\$	11,362,872
188	100-649	Equal Opportunity Programs	\$	1,214,691	\$	1,253,311
201	100-653	General Services Resale Merchandise	\$	1,779,000	\$	1,833,000
210	100-612	State Printing	\$	6,648,503	\$	6,928,823
4H2	100-604	Governor's Residence Gift	\$	22,628	\$	23,194
4P3	100-603	Departmental MIS Services	\$	7,447,713	\$	7,761,365
427	100-602	Investment Recovery	\$	4,204,735	\$	4,179,184
5C2	100-605	MARCS Development	\$	3,429,947	\$	4,475,190
5C3	100-608	Skilled Trades	\$	2,237,200	\$	2,332,464
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000
5L7	100-610	Professional Development	\$	2,700,000	\$	2,700,000
TOTAL GSF General Services Fund Group			\$	103,858,292	\$	108,982,305
Intragovernmental Service Fund Group						
133	100-607	Information Technology Fund	\$	104,482,097	\$	111,387,436
4N6	100-617	Major Computer Purchases	\$	12,000,000	\$	4,500,000
TOTAL ISF Intragovernmental Service Fund Group			\$	116,482,097	\$	115,887,436
Agency Fund Group						
113	100-628	Unemployment Compensation	\$	3,500,000	\$	3,577,000
124	100-629	Payroll Deductions	\$	1,877,100,000	\$	1,999,100,000
TOTAL AGY Agency Fund Group			\$	1,880,600,000	\$	2,002,677,000
Holding Account Redistribution Fund Group						
R08	100-646	General Services Refunds	\$	20,000	\$	20,000
TOTAL 090 Holding Account Redistribution Fund Group			\$	20,000	\$	20,000
TOTAL ALL BUDGET FUND GROUPS			\$	2,258,501,508	\$	2,403,891,271

SECTION 13.01. AGENCY AUDIT EXPENSES

Of the foregoing appropriation item 100-405, Agency Audit Expenses, up to \$145,261 in fiscal year 2002 and up to \$74,447 in fiscal year 2003 shall be used to subsidize the operations of the Central Service Agency. The Department of Administrative Services shall transfer cash from appropriation item 100-405, Agency Audit Expenses, to the Central Service Agency Fund (Fund 115) using an intrastate transfer voucher.

Of the foregoing appropriation item 100-405, Agency Audit Expenses, up to \$30,000 in fiscal year 2002 and \$30,000 in fiscal year 2003 shall be used for the Department of Administrative Services' GRF appropriation item-related auditing expenses. The remainder of the appropriation shall be used for auditing expenses designated in division (A)(1) of section 117.13 of the Revised Code for those state agencies audited on a biennial basis.

SECTION 13.02. OHIO BUILDING AUTHORITY

The foregoing appropriation item 100-447, OBA - Building Rent Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2001, to June 30, 2003, by the Department of Administrative Services to the Ohio Building Authority pursuant to leases and agreements under Chapter 152. of the Revised Code, but limited to the aggregate amount of \$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

The foregoing appropriation item 100-449, DAS - Building Operating Payments, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2002 and 2003.

The foregoing appropriation item, 100-449, DAS - Building Operating Payments, may be used to provide funding for the cost of property appraisals that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be purchased by the state.

Of the foregoing appropriation item 100-449, DAS - Building Operating Payment, \$100,000 shall be used in fiscal year 2002 to fund the renovation of new office space for the State Library and the Ohioana Library Association.

Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated due to building renovations. These payments shall be processed by the Department of Administrative Services through intrastate transfer vouchers and placed in the Facilities Management Fund (Fund 132).

SECTION 13.04. MINORITY AFFAIRS

The foregoing appropriation item 100-451, Minority Affairs, shall be used to establish minority affairs programs within the Equal Opportunity Division. The office shall provide an access point and official representation to multi-cultural communities; research and reports on multi-cultural issues; and educational, governmental, and other services that foster multi-cultural opportunities and understanding in the state of Ohio.

SECTION 13.05. CENTRAL SERVICE AGENCY FUND

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

Of the foregoing appropriation item 100-622, Human Resources Division - Operating, \$350,000 in fiscal year 2002 and \$400,000 in fiscal year 2003 shall be set aside for the District 1199 Health Care Employees Tuition Reimbursement Program, per existing collective bargaining agreements. Of the foregoing appropriation item 100-622, Human Resources Division - Operating, \$75,000 in fiscal year 2002 and \$75,000 in fiscal year 2003 shall be set aside for the Ohio Education Association Tuition Reimbursement Program, per existing collective bargaining agreements. The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the District 1199 Health Care Employees Tuition Reimbursement Program and the Ohio Education Association Tuition Reimbursement Program. Receipts for these charges shall be deposited into the Human Resources Services Fund (Fund 125).

SECTION 13.07. COLLECTIVE BARGAINING ARBITRATION EXPENSES

With approval of the Director of Budget and Management, the Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and placed in the Collective Bargaining Fund (Fund 128).

SECTION 13.08. EQUAL OPPORTUNITY PROGRAM

The Department of Administrative Services, with the approval of the

Director of Budget and Management, shall establish charges for recovering the costs of administering the activities supported by the Equal Opportunity Programs Fund (Fund 188). These charges shall be deposited to the credit of the Equal Opportunity Programs Fund (Fund 188) upon payment made by state agencies, state-supported or state-assisted institutions of higher education, and tax-supported agencies, municipal corporations, and other political subdivisions of the state, for services rendered.

SECTION 13.09. MERCHANDISE FOR RESALE

The foregoing appropriation item 100-653, General Services Resale Merchandise, shall be used to account for merchandise for resale, which is administered by the General Services Division. Deposits to the fund may comprise the cost of merchandise for resale and shipping fees.

SECTION 13.10. GOVERNOR'S RESIDENCE GIFT

The foregoing appropriation item 100-604, Governor's Residence Gift, shall be used to provide part or all of the funding related to construction, goods, or services for the Governor's residence. All receipts for this purpose shall be deposited into Fund 4H2.

SECTION 13.11. DEPARTMENTAL MIS

The foregoing appropriation item 100-603, Departmental MIS Services, may be used to pay operating expenses of management information systems activities in the Department of Administrative Services. The Department of Administrative Services shall establish charges for recovering the costs of management information systems activities. These charges shall be deposited to the credit of the Departmental MIS Fund (Fund 4P3).

Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer up to \$3,000,000 of fiscal year 2002 appropriations and up to \$3,000,000 of fiscal year 2003 appropriations from appropriation item 100-603, Departmental MIS Services, to any Department of Administrative Services non-General Revenue Fund appropriation item. The appropriations transferred shall be used to make payments for management information systems services. Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer up to \$217,313 of fiscal year 2002 appropriations and up to \$193,031 of fiscal year 2003 appropriations from appropriation item 100-409, Departmental Information Services, to any Department of

Administrative Services appropriation item in the General Revenue Fund. The appropriations transferred shall be used to make payments for management information systems services.

SECTION 13.12. INVESTMENT RECOVERY FUND

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the State Property Inventory and Fixed Assets Management System Program.

Of the foregoing appropriation item 100-602, Investment Recovery, up to \$2,045,302 in fiscal year 2002 and up to \$1,959,192 in fiscal year 2003 shall be used to pay the operating expenses of the State Surplus Property Program, the Surplus Federal Property Program, and the State Property Inventory and Fixed Assets Management System Program pursuant to Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code.

Of the foregoing appropriation item 100-602, Investment Recovery, \$2,045,302 in fiscal year 2002 and \$1,959,192 in fiscal year 2003 shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds pursuant to division (A)(2) of section 125.14 of the Revised Code. If it is determined by the Director of Administrative Services that additional appropriations are necessary for the transfer of such sale proceeds, the Director of Administrative Services may request the Director of Budget and Management to increase the amounts. Such amounts are appropriated.

Notwithstanding division (B) of section 125.14 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, shall transfer up to \$2,500,000 of the amounts held for transfer to the General Revenue Fund from the Investment Recovery Fund (Fund 427) to the General Services Fund (Fund 117) during the biennium beginning July 1, 2001, and ending June 30, 2003. The cash transferred to the General Services Fund shall be used to pay the operating expenses of the Competitive Sealed Proposal Program.

SECTION 13.13. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM

Notwithstanding division (B)(3) of section 4505.09 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, may transfer up to \$3,429,947 in fiscal year 2002 and \$4,475,190 in fiscal year 2003 from the Automated Title Processing System (Fund 849) to the Multi-Agency Radio Communications Systems Fund (Fund 5C2). The cash transferred to the Multi-Agency Radio Communications Systems Fund shall be used for the development of the MARCS system.

Effective with the implementation of the Multi-Agency Radio Communications System, the Director of Administrative Services shall collect user fees from participants in the system. The Director of Administrative Services, with the advice of the Multi-Agency Radio Communications System Steering Committee and the Director of Budget and Management, shall determine the amount of the fees and the manner by which the fees shall be collected. Such user charges shall comply with the applicable cost principles issued by the federal Office of Management and Budget. All moneys from user charges and fees shall be deposited in the state treasury to the credit of the Multi-Agency Radio Communications System Administration Fund (Fund 5C2).

SECTION 13.14. WORKFORCE DEVELOPMENT FUND

There is hereby established in the state treasury the Workforce Development Fund (Fund 5D7). The foregoing appropriation item 100-621, Workforce Development, shall be used to make payments from the fund. The fund shall be under the supervision of the Department of Administrative Services, which may adopt rules with regard to administration of the fund. The fund shall be used to pay the costs of the Workforce Development Program established by Article 37 of the contract between the State of Ohio and OCSEA/AFSCME, Local 11, effective March 1, 2000. The program shall be administered in accordance with the contract. Revenues shall accrue to the fund as specified in the contract. The fund may be used to pay direct and indirect costs of the program that are attributable to staff, consultants, and service providers. All income derived from the investment of the fund shall accrue to the fund.

If it is determined by the Director of Administrative Services that additional appropriation amounts are necessary, the Director of

Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are appropriated.

SECTION 13.15. PROFESSIONAL DEVELOPMENT FUND

The foregoing appropriation item 100-610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L7) pursuant to section 124.182 of the Revised Code.

SECTION 13.16. COMPUTER EQUIPMENT PURCHASES

The Director of Administrative Services shall compute the amount of revenue attributable to the amortization of all equipment purchases from appropriation item 100-607, Information Technology Fund; appropriation item 100-617, Major Computer Purchases; and appropriation item CAP-837, Major Equipment Purchases, which is recovered by the Department of Administrative Services as part of the rates charged by the Information Technology Fund (Fund 133) created in section 125.15 of the Revised Code. The Director of Budget and Management may transfer cash in an amount not to exceed the amount of amortization computed from the Information Technology Fund (Fund 133) to Major Computer Purchases (Fund 4N6).

SECTION 13.17. INFORMATION TECHNOLOGY ASSESSMENT

The Director of Administrative Services, with the approval of the Director of Budget and Management, may establish an information technology assessment for the purpose of recovering the cost of selected infrastructure development and statewide programs. Such assessment shall comply with applicable cost principles issued by the federal Office of Management and Budget. During the fiscal year 2001-2003 biennium, the information technology assessment may be used to partially fund the cost of electronic-government infrastructure. The information technology assessment shall be charged to all organized bodies, offices, or agencies established by the laws of the state for the exercise of any function of state government except for the General Assembly, any legislative agency, the Supreme Court, the other courts of record in Ohio, or any judicial agency, the Adjutant General, the Bureau of Workers' Compensation, and institutions administered by a board of trustees. Any state-entity exempted by this section may utilize the infrastructure or statewide program by participating in the information technology assessment. All charges for the information technology assessment shall be deposited to the credit of the

Information Technology Fund (Fund 133) created in section 125.15 of the Revised Code.

SECTION 13.18. E-GOVERNMENT DEVELOPMENT FUND

The Director of Budget and Management shall transfer any cash balances remaining in the E-Government Development Fund (Fund 5M6) after November 30, 2001, from the E-Government Development Fund to the Information Technology Fund (Fund 133) created in section 125.15 of the Revised Code.

SECTION 13.19. UNEMPLOYMENT COMPENSATION FUND

The foregoing appropriation item 100-628, Unemployment Compensation, shall be used to make payments from the Unemployment Compensation Fund (Fund 113), pursuant to section 4141.241 of the Revised Code. If it is determined that additional amounts are necessary, such amounts are appropriated.

SECTION 13.20. PAYROLL WITHHOLDING FUND

The foregoing appropriation item 100-629, Payroll Deductions, shall be used to make payments from the Payroll Withholding Fund (Fund 124). If it is determined by the Director of Budget and Management that additional appropriation amounts are necessary, such amounts are appropriated.

SECTION 13.21. GENERAL SERVICES REFUNDS

The foregoing appropriation item 100-646, General Services Refunds, shall be used to hold bid guarantee and building plans and specifications deposits until they are refunded. The Director of Administrative Services may request that the Director of Budget and Management transfer cash received for the costs of providing the building plans and specifications to contractors from the General Services Refund Fund to Fund 131, State Architect's Office. Prior to the transfer of cash, the Director of Administrative Services shall certify that such amounts are in excess of amounts required for refunding deposits and are directly related to costs of producing building plans and specifications. If it is determined that additional appropriations are necessary, such amounts are appropriated.

SECTION 13.22. MULTI-AGENCY RADIO COMMUNICATION

SYSTEM DEBT SERVICE PAYMENTS

The Director of Administrative Services, in consultation with the Multi-Agency Radio Communication System (MARCS) Steering Committee and the Director of Budget and Management, shall determine the share of debt service payments attributable to spending for MARCS components that are not specific to any one agency and that shall be charged to agencies supported by the motor fuel tax. Such share of debt service payments shall be calculated for MARCS capital disbursements made beginning July 1, 1997. Within thirty days of any payment made from appropriation item 100-447, OBA - Building Rent Payments, the Director of Administrative Services shall certify to the Director of Budget and Management the amount of this share. The Director of Budget and Management shall transfer such amounts to the General Revenue Fund from the Highway Operating Fund (Fund 002) established in section 5735.281 of the Revised Code.

The Director of Administrative Services shall consider renting or leasing existing tower sites at reasonable or current market rates, so long as these existing sites are equipped with the technical capabilities to support the MARCS project.

SECTION 13.23. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY

Whenever the Director of Administrative Services declares a "Public Exigency," as provided in division (C) of section 123.15 of the Revised Code, the Director shall also notify the members of the Controlling Board.

SECTION 13.24. GENERAL SERVICE CHARGES

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs in the General Services Fund (Fund 117) and the State Printing Fund (Fund 210).

SECTION 14. AAM COMMISSION ON AFRICAN AMERICAN MALES

General Revenue Fund

GRF 036-100	Personal Services	\$	254,538	\$	267,265
GRF 036-200	Maintenance	\$	47,500	\$	47,175
GRF 036-300	Equipment	\$	19,000	\$	18,870
GRF 036-501	CAAM Awards and Scholarships	\$	15,200	\$	15,096

GRF 036-502	Community Projects	\$	38,000	\$	27,750
TOTAL GRF General Revenue Fund		\$	374,238	\$	376,156
State Special Revenue Fund Group					
4H3 036-601	Commission on African American Males - Gifts/Grants	\$	10,000	\$	10,000
TOTAL SSR State Special Revenue Fund Group		\$	10,000	\$	10,000
TOTAL ALL BUDGET FUND GROUPS		\$	384,238	\$	386,156

COMMISSION ON AFRICAN AMERICAN MALES PROGRESS REVIEW

No later than December 31, 2001, the Commission on African American Males shall submit to the chairperson and ranking minority member of the Human Services Subcommittee of the Finance and Appropriations Committee of the House of Representatives a report that demonstrates the progress that has been made toward meeting the Commission's mission statement.

SECTION 15. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW

General Revenue Fund

GRF 029-321	Operating Expenses	\$	365,881	\$	365,881
TOTAL GRF General Revenue Fund		\$	365,881	\$	365,881
TOTAL ALL BUDGET FUND GROUPS		\$	365,881	\$	365,881

OPERATING

The Chief Administrative Officer of the House of Representatives and the Clerk of the Senate shall determine, by mutual agreement, which of them shall act as fiscal agent for the Joint Committee on Agency Rule Review.

SECTION 16. AGE DEPARTMENT OF AGING

General Revenue Fund

GRF 490-321	Operating Expenses	\$	2,896,946	\$	2,877,346
GRF 490-403	PASSPORT	\$	60,630,444	\$	62,563,924
GRF 490-405	Golden Buckeye Card	\$	377,560	\$	377,560
GRF 490-406	Senior Olympics	\$	39,862	\$	39,862
GRF 490-407	Long-Term Care Consumer Guide	\$	622,799	\$	622,799
GRF 490-409	Ohio Community Service Council Operations	\$	311,640	\$	311,640
GRF 490-410	Long-Term Care Ombudsman	\$	1,412,058	\$	1,412,058
GRF 490-411	Senior Community Services	\$	13,784,750	\$	13,784,750
GRF 490-412	Residential State Supplement	\$	12,534,591	\$	12,290,915
GRF 490-414	Alzheimers Respite	\$	4,436,673	\$	4,436,673
GRF 490-416	Transportation For Elderly	\$	183,000	\$	183,000
GRF 490-499	Senior Employment Program	\$	15,574	\$	15,574
GRF 490-504	Senior Facilities	\$	130,000	\$	100,000

Am. Sub. H. B. No. 94

1180

GRF 490-506	Senior Volunteers	\$	491,614	\$	496,580
TOTAL GRF General Revenue Fund		\$	97,867,511	\$	99,512,681
General Services Fund Group					
480 490-606	Senior Citizens Services Special Events	\$	363,587	\$	372,677
TOTAL GSF General Services Fund Group		\$	363,587	\$	372,677
Federal Special Revenue Fund Group					
3C4 490-607	PASSPORT	\$	129,645,833	\$	144,875,065
3M3 490-611	Federal Aging Nutrition	\$	22,943,588	\$	23,517,178
3M4 490-612	Federal Supportive Services	\$	21,025,940	\$	21,545,338
3R7 490-617	Ohio Community Service Council Programs	\$	7,350,920	\$	7,350,920
322 490-618	Older Americans Support Services	\$	10,873,661	\$	11,144,778
TOTAL FED Federal Special Revenue Fund Group		\$	191,839,942	\$	208,433,279
State Special Revenue Fund Group					
4C4 490-609	Regional Long-Term Care Ombudsman Program	\$	440,185	\$	451,190
4J4 490-610	PASSPORT/Residential State Supplement	\$	24,000,000	\$	24,000,000
4U9 490-602	PASSPORT Fund	\$	5,000,000	\$	5,000,000
5K9 490-613	Nursing Home Consumer Guide	\$	400,000	\$	400,000
624 490-604	OCSC Community Support	\$	2,500	\$	2,500
TOTAL SSR State Special Revenue Fund Group		\$	29,842,685	\$	29,853,690
TOTAL ALL BUDGET FUND GROUPS		\$	319,913,725	\$	338,172,327

SECTION 16.01. PRE-ADMISSION REVIEW FOR NURSING FACILITY ADMISSION

Pursuant to sections 5101.751 and 5101.754 of the Revised Code and an interagency agreement, the Department of Job and Family Services shall designate the Department of Aging to perform assessments under sections 5101.75 and 5111.204 of the Revised Code. Of the foregoing appropriation item 490-403, PASSPORT, the Department of Aging may use not more than \$2,390,300 in fiscal year 2002 and \$2,450,058 in fiscal year 2003 to perform the assessments for persons not eligible for Medicaid in accordance with the department's interagency agreement with the Department of Job and Family Services and to assist individuals in planning for their long-term health care needs.

SECTION 16.02. PASSPORT

Appropriation item 490-403, PASSPORT, and the amounts set aside for

the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, may be used to assess clients regardless of Medicaid eligibility.

The Director of Aging shall adopt rules under section 111.15 of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility.

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.

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.

SENIOR COMMUNITY SERVICES

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.

ALZHEIMERS RESPITE

The foregoing appropriation item 490-414, Alzheimers Respite, shall be used only to fund Alzheimer's disease services under section 173.04 of the Revised Code.

TRANSPORTATION FOR ELDERLY

The foregoing appropriation item 490-416, Transportation for Elderly, shall be used for non-capital expenses related to transportation services for the elderly that provide access to such things as healthcare services,

congregate meals, socialization programs, and grocery shopping. The appropriation shall be allocated to the following agencies:

(A) \$45,000 per fiscal year to the Cincinnati Jewish Vocational Services;

(B) \$45,000 per fiscal year to the Cleveland Jewish Community Center;

(C) \$45,000 per fiscal year to the Columbus Jewish Federation;

(D) \$20,000 per fiscal year to the Dayton Jewish Family Services;

(E) \$10,000 per fiscal year to the Akron Jewish Community Center;

(F) \$5,000 per fiscal year to the Youngstown Jewish Federation;

(G) \$3,000 per fiscal year to the Canton Jewish Federation;

(H) \$10,000 per fiscal year to the Toledo Jewish Federation.

Agencies receiving funding from appropriation item 490-416, Transportation for Elderly, shall coordinate services with other local service agencies.

RESIDENTIAL STATE SUPPLEMENT

Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment and for determining the amount per month the eligible resident will receive shall be as follows:

(A) \$900 for a residential care facility, as defined in section 3721.01 of the Revised Code;

(B) \$900 for an adult group home, as defined in Chapter 3722. of the Revised Code;

(C) \$800 for an adult foster home, as defined in Chapter 173. of the Revised Code;

(D) \$800 for an adult family home, as defined in Chapter 3722. of the Revised Code;

(E) \$800 for an adult community alternative home, as defined in Chapter 3724. of the Revised Code;

(F) \$800 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;

(G) \$600 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.

The Departments of Aging and Job and Family Services shall reflect this amount in any applicable rules the departments adopt under section 173.35 of the Revised Code.

TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS

The Department of Aging may transfer cash by intrastate transfer vouchers from the foregoing appropriation items 490-412, Residential State Supplement, and 490-610, PASSPORT/Residential State Supplement, to the

Department of Job and Family Services' Fund 4J5, Home and Community-Based Services for the Aged Fund. The funds shall be used to make benefit payments to Residential State Supplement recipients.

LONG-TERM CARE OMBUDSMAN

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.

SENIOR FACILITIES

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.

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.

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAMS

The foregoing appropriation item 490-609, Regional Long-Term Care Ombudsman Programs, shall be used solely to pay the costs of operating the regional long-term care ombudsman programs.

PASSPORT/RESIDENTIAL STATE SUPPLEMENT

Of the foregoing appropriation item 490-610, PASSPORT/Residential State Supplement, up to \$2,835,000 each fiscal year shall be used to fund the Residential State Supplement Program. The remaining available funds shall be used to fund the PASSPORT program.

SECTION 16.03. RESIDENTIAL STATE SUPPLEMENT

If the Department of Aging, in consultation with the Director of Budget and Management, determines that available funding is insufficient to make payments to all eligible individuals, the department may establish priority policies to further limit eligibility criteria.

TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL SUPPORTIVE SERVICES, AND OLDER AMERICANS SUPPORT SERVICES

Upon written request of the Director of Aging, the Director of Budget and Management may transfer appropriation authority among appropriation items 490-611, Federal Aging Nutrition, 490-612, Federal Supportive Services, and 490-618, Older Americans Support Services, in amounts not to exceed 30 per cent of the appropriation from which the transfer is made.

The Department of Aging shall report such transfers to the Controlling Board at the next regularly scheduled meeting of the board.

OHIO COMMUNITY SERVICE COUNCIL

The foregoing appropriation items 490-409, Ohio Community Service Council, and 490-617, Ohio Community Service Council Programs, shall be used in accordance with section 121.40 of the Revised Code.

SECTION 17. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF 700-321	Operating Expenses	\$	3,160,884	\$	3,334,073
GRF 700-401	Animal Disease Control	\$	4,340,887	\$	4,385,108
GRF 700-402	Amusement Ride Safety	\$	226,451	\$	230,769
GRF 700-403	Dairy Division	\$	1,569,097	\$	1,707,877
GRF 700-404	Ohio Proud	\$	222,856	\$	228,266
GRF 700-405	Animal Damage Control	\$	86,780	\$	84,358
GRF 700-406	Consumer Analytical Lab	\$	889,058	\$	900,001
GRF 700-407	Food Safety	\$	1,422,998	\$	1,377,956
GRF 700-410	Plant Industry	\$	1,517,969	\$	1,561,620
GRF 700-411	International Trade and Market Development	\$	789,620	\$	598,062
GRF 700-412	Weights and Measures	\$	991,136	\$	996,634
GRF 700-413	Gypsy Moth Prevention	\$	633,214	\$	634,279
GRF 700-414	Concentrated Animal Feeding Facilities Advisory Committee	\$	23,275	\$	22,663
GRF 700-415	Poultry Inspection	\$	322,256	\$	320,960
GRF 700-418	Livestock Regulation Program	\$	1,357,487	\$	1,563,898
GRF 700-424	Livestock Testing and Inspections	\$	229,996	\$	228,438
GRF 700-499	Meat Inspection Program - State Share	\$	4,654,566	\$	4,977,168
GRF 700-501	County Agricultural Societies	\$	466,842	\$	466,842
GRF 700-503	Swine and Cattle Breeder Awards	\$	113,160	\$	107,076
TOTAL GRF General Revenue Fund		\$	23,018,532	\$	23,726,048

Federal Special Revenue Fund Group

3J4 700-607	Indirect Cost	\$	1,380,026	\$	1,314,020
3R2 700-614	Federal Plant Industry	\$	1,607,887	\$	1,682,330
326 700-618	Meat Inspection Service - Federal Share	\$	4,401,707	\$	4,959,973
336 700-617	Ohio Farm Loan Revolving Fund	\$	181,774	\$	181,774
382 700-601	Cooperative Contracts	\$	1,027,692	\$	1,091,347
TOTAL FED Federal Special Revenue Fund Group		\$	8,599,086	\$	9,229,444

State Special Revenue Fund Group

4C9 700-605	Feed, Fertilizer, and Lime Inspection	\$	909,033	\$	975,244
4D2 700-609	Auction Education	\$	30,476	\$	30,476

4E4	700-606	Utility Radiological Safety	\$	69,016	\$	73,059
4P7	700-610	Food Safety Inspection	\$	559,611	\$	575,797
4R0	700-636	Ohio Proud Marketing	\$	125,297	\$	133,614
4R2	700-637	Dairy Inspection Fund	\$	1,183,358	\$	1,174,591
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294
4T7	700-613	International Trade and Market Development Rotary	\$	161,991	\$	166,356
4V5	700-615	Animal Industry Lab Fees	\$	626,633	\$	633,097
493	700-603	Fruits and Vegetables Inspection Fees	\$	212,764	\$	171,772
494	700-612	Agricultural Commodity Marketing Program	\$	166,536	\$	169,867
496	700-626	Ohio Grape Industries	\$	1,048,667	\$	1,071,099
497	700-627	Commodity Handlers Regulatory Program	\$	566,862	\$	648,616
5B8	700-628	Auctioneers	\$	286,769	\$	365,390
5H2	700-608	Metrology Lab	\$	74,674	\$	138,624
5L8	700-604	Livestock Management Program	\$	250,000	\$	250,000
578	700-620	Ride Inspection Fees	\$	634,099	\$	650,774
579	700-630	Scale Certification	\$	230,047	\$	230,047
652	700-634	Laboratory Services	\$	1,179,560	\$	1,144,766
669	700-635	Pesticide Program	\$	2,108,049	\$	2,181,491
TOTAL SSR State Special Revenue Fund Group			\$	10,470,236	\$	10,831,974
TOTAL ALL BUDGET FUND GROUPS			\$	42,088,354	\$	43,787,466

ANIMAL DISEASE CONTROL

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 appropriation item 700-602, License Fees (Fund 4V0), and reestablish them against appropriation item 700-637, Dairy Inspection (Fund 4R2). The amounts of the reestablished encumbrances are appropriated.

SECTION 18. AIR AIR QUALITY DEVELOPMENT AUTHORITY

Agency Fund Group

4Z9 898-602	Small Business Ombudsman	\$	222,719	\$	233,482
5A0 898-603	Small Business Assistance	\$	192,647	\$	197,463
570 898-601	Operating Expenses	\$	243,070	\$	258,383
TOTAL AGY Agency Fund Group		\$	658,436	\$	689,328
TOTAL ALL BUDGET FUND GROUPS		\$	658,436	\$	689,328

SECTION 19. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES

General Revenue Fund

GRF 038-321	Operating Expenses	\$	1,500,549	\$	1,548,211
GRF 038-401	Alcohol and Drug Addiction Services	\$	29,742,355	\$	28,946,504
GRF 038-404	Prevention Services	\$	1,327,357	\$	1,292,427
TOTAL GRF General Revenue Fund		\$	32,570,261	\$	31,787,142

General Services Fund

5B7 038-629	TANF Transfer - Treatment	\$	3,500,000	\$	3,500,000
5EB 038-630	TANF Transfer - Mentoring	\$	1,500,000	\$	1,500,000
TOTAL GSF General Services Fund Group		\$	5,000,000	\$	5,000,000

Federal Special Revenue Fund Group

3G3 038-603	Drug Free Schools	\$	3,500,000	\$	3,500,000
3G4 038-614	Substance Abuse Block Grant	\$	65,062,211	\$	65,062,211
3H8 038-609	Demonstration Grants	\$	3,093,075	\$	3,093,075
3J8 038-610	Medicaid	\$	21,500,000	\$	21,500,000
3N8 038-611	Administrative Reimbursement	\$	500,000	\$	500,000
TOTAL FED Federal Special Revenue Fund Group		\$	93,655,286	\$	93,655,286

State Special Revenue Fund Group

475	038-621	Statewide Treatment and Prevention	\$	15,100,000	\$	14,550,000
5P1	038-615	Credentialing	\$	450,000	\$	0
689	038-604	Education and Conferences	\$	245,000	\$	245,000
TOTAL SSR State Special Revenue						
Fund Group			\$	15,795,000	\$	14,795,000
TOTAL ALL BUDGET FUND GROUPS			\$	147,020,547	\$	145,237,428

AM. SUB. H.B. 484 OF THE 122nd GENERAL ASSEMBLY

Of the foregoing appropriation item 038-401, Alcohol and Drug Addiction Services, \$4 million in each fiscal year shall be allocated for services to families, adults, and adolescents pursuant to the requirements of Am. Sub. H.B. 484 of the 122nd General Assembly.

ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER

The foregoing appropriation item 038-629, TANF Transfer-Treatment, shall be used to provide substance abuse prevention and treatment services to children, or their families, whose income is at or below 200 per cent of the official income poverty guideline.

The foregoing appropriation item 038-630, TANF Transfer-Mentoring, shall be used to fund adolescent youth mentoring programs for children, or their families, whose income is at or below 200 per cent of the official income poverty guideline. The Director of Alcohol and Drug Addiction Services and the Director of Job and Family Services shall develop operating and reporting guidelines for these programs.

PARENT AWARENESS TASK FORCE

The Parent Awareness Task Force shall study ways to engage more parents in activities, coalitions, and educational programs in Ohio relating to alcohol and other drug abuse prevention. Of the foregoing appropriation item 038-404, Prevention Services, \$30,000 in each fiscal year may be used to support the functions of the Parent Awareness Task Force.

PLAN TO EVALUATE PER CAPITA FORMULA

Not later than June 30, 2002, the Department of Alcohol and Drug Addiction Services shall establish a plan to evaluate the current per capita formula used in determining how state and federal funds for alcohol and drug addiction services are allocated under section 3793.04 of the Revised Code. The plan shall evaluate all of the following:

- (A) Whether population statistics alone should be used to quantify the need for funding in a county;
- (B) Whether other social and economic demographic indicators should be utilized;
- (C) The appropriateness of the current per capita formula.

SECTION 20. AMB AMBULANCE LICENSING BOARD

General Services Fund Group

4N1 915-601 Operating Expenses	\$	240,894	\$	251,255
TOTAL GSF General Services Fund Group	\$	240,894	\$	251,255
TOTAL ALL BUDGET FUND GROUPS	\$	240,894	\$	251,255

SECTION 21. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS

General Services Fund Group

4K9 891-609 Operating Expenses	\$	461,465	\$	484,574
TOTAL GSF General Services Fund Group	\$	461,465	\$	484,574
TOTAL ALL BUDGET FUND GROUPS	\$	461,465	\$	484,574

SECTION 22. ART OHIO ARTS COUNCIL

General Revenue Fund

GRF 370-100 Personal Services	\$	2,104,509	\$	2,176,032
GRF 370-200 Maintenance	\$	517,233	\$	513,694
GRF 370-300 Equipment	\$	21,843	\$	21,693
GRF 370-502 Program Subsidies	\$	13,199,273	\$	13,199,273
TOTAL GRF General Revenue Fund	\$	15,842,858	\$	15,910,692

General Services Fund Group

4B7 370-603 Per Cent for Art Acquisitions	\$	84,672	\$	86,366
460 370-602 Gifts and Donations	\$	334,969	\$	345,012
TOTAL GSF General Services Fund Group	\$	419,641	\$	431,378

Federal Special Revenue Fund Group

314 370-601 Federal Programs	\$	862,000	\$	862,000
TOTAL FED Federal Special Revenue Fund Group	\$	862,000	\$	862,000
TOTAL ALL BUDGET FUND GROUPS	\$	17,124,499	\$	17,204,070

PROGRAM SUBSIDIES

A museum is not eligible to receive funds from appropriation item 370-502, Program Subsidies, if \$8,000,000 or more in capital appropriations were appropriated by the state for the museum between January 1, 1986, and December 31, 2002.

PER CENT FOR ART ACQUISITIONS

The unobligated balance remaining from prior projects of appropriation item 370-603, Per Cent for Art Acquisitions, shall be used by the Ohio Arts Council to pay for start-up costs in connection with the selection of artists of new Per Cent for Art projects.

SECTION 23. AFC OHIO ARTS AND SPORTS FACILITIES
COMMISSION

General Revenue Fund

GRF 371-321	Operating Expenses	\$	100,000	\$	100,000
GRF 371-401	Lease Rental Payments	\$	33,526,100	\$	36,413,200
TOTAL GRF General Revenue Fund		\$	33,626,100	\$	36,513,200

State Special Revenue Fund Group

4T8 371-601	Riffe Theatre Equipment Maintenance	\$	22,628	\$	23,194
4T8 371-603	Project Administration	\$	924,075	\$	921,868
TOTAL SSR State Special Revenue Group		\$	946,703	\$	945,062
TOTAL ALL BUDGET FUND GROUPS		\$	34,572,803	\$	37,458,262

OHIO BUILDING AUTHORITY LEASE PAYMENTS

Appropriations to the Arts and Sports Facilities Commission from the General Revenue Fund include \$69,939,300 for the biennium for appropriation item 371-401, Lease Rental Payments. This appropriation shall be used for payments to the Ohio Building Authority for the period July 1, 2001, to June 30, 2003, pursuant to the primary leases and agreements for those buildings made under Chapter 152. of the Revised Code which are the source of funds pledged for bond service charges on related obligations issued pursuant to Chapter 152. of the Revised Code.

OPERATING EXPENSES

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.

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.

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.

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.

SECTION 24. ATH ATHLETIC COMMISSION

General Services Fund Group

4K9	175-609	Athletic Commission - Operating	\$	140,088	\$	144,343
5R1	175-602	Athlete Agents Registration	\$	35,000	\$	35,000
TOTAL GSF General Services Fund Group			\$	175,088	\$	179,343
TOTAL ALL BUDGET FUND GROUPS			\$	175,088	\$	179,343

SECTION 25. AGO ATTORNEY GENERAL

General Revenue Fund

GRF	055-321	Operating Expenses	\$	59,120,482	\$	61,775,856
GRF	055-405	Law-Related Education	\$	199,790	\$	204,785
GRF	055-406	Community Police Match and Law Enforcement Assistance	\$	3,013,464	\$	3,111,336
GRF	055-411	County Sheriffs	\$	620,506	\$	636,019
GRF	055-415	County Prosecutors	\$	520,084	\$	533,086
TOTAL GRF General Revenue Fund			\$	63,474,326	\$	66,261,082

General Services Fund Group

106	055-612	General Reimbursement	\$	14,997,546	\$	15,786,163
107	055-624	Employment Services	\$	1,211,307	\$	1,284,396
195	055-660	Workers' Compensation Section	\$	7,343,128	\$	7,769,628
4Y7	055-608	Title Defect Rescission	\$	840,260	\$	870,623
4Z2	055-609	BCI Asset Forfeiture and Cost Reimbursement	\$	324,009	\$	332,109
418	055-615	Charitable Foundations	\$	1,841,113	\$	1,899,066
420	055-603	Attorney General Antitrust	\$	435,560	\$	446,449
421	055-617	Police Officers' Training Academy Fee	\$	1,134,861	\$	1,193,213
5A9	055-618	Telemarketing Fraud Enforcement	\$	51,100	\$	52,378
590	055-633	Peace Officer Private Security Fund	\$	94,784	\$	98,370
629	055-636	Corrupt Activity Investigation and Prosecution	\$	105,590	\$	108,230
631	055-637	Consumer Protection Enforcement	\$	1,254,020	\$	1,373,832
TOTAL GSF General Services Fund Group			\$	29,633,278	\$	31,214,457

Federal Special Revenue Fund Group

3E5	055-638	Anti-Drug Abuse	\$	2,939,693	\$	2,939,693
3R6	055-613	Attorney General Federal Funds	\$	1,929,110	\$	1,998,972
306	055-620	Medicaid Fraud Control	\$	2,633,348	\$	2,765,015
381	055-611	Civil Rights Legal Service	\$	334,249	\$	354,304

Am. Sub. H. B. No. 94

1191

383	055-634	Crime Victims Assistance	\$	14,500,000	\$	15,225,000
TOTAL FED Federal Special Revenue						
Fund Group			\$	22,336,400	\$	23,282,984
State Special Revenue Fund Group						
4L6	055-606	DARE	\$	3,830,137	\$	3,927,962
402	055-616	Victims of Crime	\$	26,144,763	\$	27,933,893
417	055-621	Domestic Violence Shelter	\$	14,139	\$	14,492
419	055-623	Claims Section	\$	14,017,852	\$	14,749,954
659	055-641	Solid and Hazardous Waste Background Investigations	\$	834,417	\$	880,751
TOTAL SSR State Special Revenue						
Fund Group			\$	44,841,308	\$	47,507,052
Holding Account Redistribution Fund Group						
R03	055-629	Bingo License Refunds	\$	5,200	\$	5,200
R04	055-631	General Holding Account	\$	275,000	\$	275,000
R05	055-632	Antitrust Settlements	\$	10,400	\$	10,400
R18	055-630	Consumer Frauds	\$	750,000	\$	750,000
R42	055-601	Organized Crime Commission Account	\$	200,000	\$	200,000
TOTAL 090 Holding Account						
Redistribution Fund Group			\$	1,240,600	\$	1,240,600
TOTAL ALL BUDGET FUND GROUPS			\$	161,525,912	\$	169,506,175

LAW-RELATED EDUCATION

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.

WORKERS' COMPENSATION SECTION

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.

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.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION

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

GRF 070-321	Operating Expenses	\$	34,052,713	\$	35,006,189
GRF 070-403	Fiscal Watch/Emergency Technical Assistance	\$	1,000,000	\$	1,000,000
GRF 070-405	Electronic Data Processing - Auditing and Administration	\$	1,030,137	\$	1,058,981
GRF 070-406	Uniform Accounting Network/Technology Improvements Fund	\$	2,423,314	\$	2,458,201
TOTAL GRF General Revenue Fund		\$	38,506,164	\$	39,523,371

General Services Fund Group

109 070-601	Public Audit Expense - Intra-State	\$	9,497,201	\$	9,629,588
422 070-601	Public Audit Expense - Local Government	\$	37,450,472	\$	37,617,072
584 070-603	Training Program	\$	198,200	\$	217,000
675 070-605	Uniform Accounting Network	\$	2,809,200	\$	2,741,600
TOTAL GSF General Services Fund Group		\$	49,955,073	\$	50,205,260

Holding Account Redistribution Fund Group

R06 070-604	Continuous Receipts	\$	204,400	\$	209,510
TOTAL 090 Holding Account Redistribution Fund Group		\$	204,400	\$	209,510
TOTAL ALL BUDGET FUND GROUPS		\$	88,665,637	\$	89,938,141

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE

The foregoing appropriation item 070-403, Fiscal Watch/Emergency Technical Assistance, shall be used for all expenses incurred by the Office

of the Auditor of State in its role relating to fiscal watch or fiscal emergency activities under Chapters 118. and 3316. of the Revised Code. Expenses shall include, but shall not be limited to, the following: duties related to the determination or termination of fiscal watch or fiscal emergency of municipal corporations, counties, or townships as outlined in Chapter 118. of the Revised Code and of school districts as outlined in Chapter 3316. of the Revised Code; development of preliminary accounting reports; performance of annual forecasts; provision of performance audits; and supervisory, accounting, or auditing services for the mentioned public entities and school districts. The unencumbered balance of appropriation item 070-403, Fiscal Watch/Fiscal Emergency Technical Assistance, at the end of fiscal year 2002 is transferred to fiscal year 2003 for use under the same appropriation item.

ELECTRONIC DATA PROCESSING

The unencumbered balance of appropriation item 070-405, Electronic Data Processing-Auditing and Administration, at the end of fiscal year 2002 is transferred to fiscal year 2003 for use under the same appropriation item.

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND

The foregoing appropriation item 070-406, Uniform Accounting Network/Technology Improvements Fund, shall be used to pay the costs of developing and implementing the Uniform Accounting Network and technology improvements for the Office of the Auditor of State. The unencumbered balance of the appropriation at the end of fiscal year 2002 is transferred to fiscal year 2003 to pay the costs of the developing and implementing the Uniform Accounting Network and technology improvements for the Office of the Auditor of State.

SECTION 27. BRB BOARD OF BARBER EXAMINERS

General Services Fund Group

4K9 877-609	Operating Expenses	\$	479,264	\$	505,999
TOTAL GSF General Services Fund Group		\$	479,264	\$	505,999
TOTAL ALL BUDGET FUND GROUPS		\$	479,264	\$	505,999

SECTION 28. OBM OFFICE OF BUDGET AND MANAGEMENT

General Revenue Fund

GRF 042-321	Budget Development and Implementation	\$	2,356,547	\$	2,492,956
GRF 042-401	Office of Quality Services	\$	583,551	\$	606,924
GRF 042-409	Commission Closures	\$	42,500	\$	0

GRF 042-410	National Association Dues	\$	24,522	\$	25,296
GRF 042-412	Audit of Auditor of State	\$	44,160	\$	46,080
TOTAL GRF General Revenue Fund		\$	3,051,280	\$	3,171,255
General Services Fund Group					
105 042-603	State Accounting	\$	9,554,743	\$	9,934,755
4C1 042-601	Quality Services Academy	\$	125,000	\$	125,000
TOTAL GSF General Services Fund Group		\$	9,679,743	\$	10,059,755
State Special Revenue Fund Group					
5N4 042-602	ERP Project Implementation	\$	6,600,000	\$	2,600,000
TOTAL SSR State Special Revenue Fund Group		\$	6,600,000	\$	2,600,000
TOTAL ALL BUDGET FUND GROUPS		\$	19,331,023	\$	15,831,011

SECTION 28.01. OFFICE OF QUALITY SERVICES

A portion of the foregoing appropriation item 042-401, Office of Quality Services, may be used to provide financial sponsorship support for conferences and showcases that promote quality improvement efforts. These expenditures are not subject to Chapter 125. of the Revised Code.

OHIO'S QUALITY SHOWCASE

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.

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

riations 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 fewer full-time equivalent personnel than any of the departments listed in that section, to prepare a full zero-base budget for the biennium ending June 30, 2005, shall inform the agencies of their selection, and shall offer the two agencies substantial technical assistance throughout the process of preparing their zero-base budgets. Each of the agencies shall prepare a full zero-base budget in such manner and according to such schedule as the Director of Budget and Management requires. The zero-base budgets shall, as the Director of Budget and Management determines, be in addition to or in place of the estimates of revenue and proposed expenditures that other state agencies are required to prepare under section 126.02 of the Revised Code.

SECTION 29. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

General Revenue Fund

GRF 874-321	Operating Expenses	\$	3,696,546	\$	3,312,263
TOTAL GRF General Revenue Fund		\$	3,696,546	\$	3,312,263

General Services Fund Group

4G5 874-603	Capitol Square Maintenance Expenses	\$	15,000	\$	15,000
4S7 874-602	Statehouse Gift Shop/Events	\$	623,293	\$	670,484
4T2 874-604	Government Television/Telecommunications Operating	\$	75,000	\$	0

TOTAL GSF General Services Fund Group		\$	713,293	\$	685,484
---------------------------------------	--	----	---------	----	---------

Underground Parking Garage

208 874-601	Underground Parking Garage Operating	\$	2,863,603	\$	2,996,801
-------------	--------------------------------------	----	-----------	----	-----------

TOTAL UPG Underground Parking Garage		\$	2,863,603	\$	2,996,801
TOTAL ALL BUDGET FUND GROUPS		\$	7,273,442	\$	6,994,548

OHIO GOVERNMENT TELEVISION/TELECOMMUNICATIONS

The Capitol Square Review and Advisory Board shall seek Controlling Board approval before spending any of the funds appropriated in appropriation item 874-604, Government Television/Telecommunications Operating.

SECTION 30. CHR STATE BOARD OF CHIROPRACTIC EXAMINERS

General Services Fund Group

4K9 878-609 Operating Expenses	\$	561,949	\$	591,724
TOTAL GSF General Services Fund Group	\$	561,949	\$	591,724
TOTAL ALL BUDGET FUND GROUPS	\$	561,949	\$	591,724

SECTION 30.01. CHIROPRACTIC LICENSE EXAMINATION REQUIREMENTS

If the State Chiropractic Board refused to issue a license to practice chiropractic to an individual solely because the individual did not meet the examination requirements of division (B)(4)(b) or (c) of section 4734.20 of the Revised Code, as specified on and after the effective date of Am. Sub. H.B. 506 of the 123rd General Assembly but before the effective date of this section, the Board shall reconsider the application and issue or refuse to issue a license according to the examination requirements specified in division (B)(4)(b) or (c) of section 4734.20 of the Revised Code, as amended by this act.

SECTION 31. CIV OHIO CIVIL RIGHTS COMMISSION

General Revenue Fund

GRF 876-100 Personal Services	\$	9,159,420	\$	9,159,421
GRF 876-200 Maintenance	\$	987,372	\$	987,372
GRF 876-300 Equipment	\$	111,842	\$	111,842
TOTAL GRF General Revenue Fund	\$	10,258,634	\$	10,258,635

Federal Special Revenue Fund Group

334 876-601 Federal Programs	\$	3,702,577	\$	4,284,113
TOTAL FED Federal Special Revenue Fund Group	\$	3,702,577	\$	4,284,113

State Special Revenue Fund Group

217 876-604 General Reimbursement	\$	20,440	\$	20,951
TOTAL SSR State Special Revenue Fund Group	\$	20,440	\$	20,951

TOTAL ALL BUDGET FUND GROUPS	\$	13,981,651	\$	14,563,699
SECTION 32. COM DEPARTMENT OF COMMERCE				
General Revenue Fund				
GRF 800-402	Grants-Volunteer Fire Departments	\$	912,500	\$ 793,750
GRF 800-410	Labor and Worker Safety	\$	3,898,792	\$ 4,042,587
Total GRF	General Revenue Fund	\$	4,811,292	\$ 4,836,337
General Services Fund Group				
163 800-620	Division of Administration	\$	5,873,604	\$ 6,189,578
5F1 800-635	Small Government Fire Departments	\$	250,000	\$ 250,000
TOTAL GSF	General Services Fund Group	\$	6,123,604	\$ 6,439,578
Federal Special Revenue Fund Group				
348 800-622	Underground Storage Tanks	\$	195,008	\$ 195,008
348 800-624	Leaking Underground Storage Tanks	\$	1,850,000	\$ 1,850,000
349 800-626	OSHA Enforcement	\$	1,346,000	\$ 1,386,380
TOTAL FED	Federal Special Revenue Fund Group	\$	3,391,008	\$ 3,431,388
State Special Revenue Fund Group				
4B2 800-631	Real Estate Appraisal Recovery	\$	69,870	\$ 71,267
4H9 800-608	Cemeteries	\$	260,083	\$ 273,465
4L5 800-609	Fireworks Training and Education	\$	10,526	\$ 10,976
4X2 800-619	Financial Institutions	\$	2,020,646	\$ 2,134,754
5B8 800-628	Auctioneers	\$	60,000	\$ 0
5B9 800-632	PI & Security Guard Provider	\$	1,139,377	\$ 1,188,716
5K7 800-621	Penalty Enforcement	\$	2,000	\$ 2,000
543 800-602	Unclaimed Funds-Operating	\$	5,921,792	\$ 6,151,051
543 800-625	Unclaimed Funds-Claims	\$	24,890,602	\$ 25,512,867
544 800-612	Banks	\$	6,346,230	\$ 6,657,997
545 800-613	Savings Institutions	\$	2,790,960	\$ 2,894,399
546 800-610	Fire Marshal	\$	10,245,737	\$ 10,777,694
547 800-603	Real Estate Education/Research	\$	258,796	\$ 264,141
548 800-611	Real Estate Recovery	\$	150,000	\$ 150,000
549 800-614	Real Estate	\$	2,885,785	\$ 3,039,837
550 800-617	Securities	\$	4,611,800	\$ 4,864,800
552 800-604	Credit Union	\$	2,368,450	\$ 2,477,852
553 800-607	Consumer Finance	\$	2,305,339	\$ 2,258,822
556 800-615	Industrial Compliance	\$	22,176,840	\$ 23,415,776
6A4 800-630	Real Estate Appraiser-Operating	\$	522,125	\$ 548,006
653 800-629	UST Registration/Permit Fee	\$	1,072,795	\$ 1,121,632
TOTAL SSR	State Special Revenue Fund Group	\$	90,109,753	\$ 93,816,052
Liquor Control Fund Group				
043 800-601	Merchandising	\$	322,741,245	\$ 341,222,192
043 800-627	Liquor Control Operating	\$	16,250,400	\$ 15,801,163
043 800-633	Development Assistance Debt	\$	16,134,800	\$ 16,141,100

	Service			
043	800-636	Revitalization Debt Service	\$	1,600,000 \$ 6,700,000
TOTAL LCF Liquor Control				
	Fund Group		\$	356,726,445 \$ 379,864,455
TOTAL ALL BUDGET FUND GROUPS \$ 461,162,102 \$ 488,387,810				

GRANTS-VOLUNTEER FIRE DEPARTMENTS

The foregoing appropriation item 800-402, Grants-Volunteer Fire Departments, shall be used to make annual grants to volunteer fire departments of up to \$10,000, or up to \$25,000 if the volunteer fire department provides service for an area affected by a natural disaster. The grant program shall be administered by the Fire Marshal under the Department of Commerce. The Fire Marshal shall adopt rules necessary for the administration and operation of the grant program.

Notwithstanding section 3737.17 of the Revised Code, upon the request of the Director of Commerce, the Director of Budget and Management shall transfer \$200,000 cash in fiscal year 2002 and \$100,000 cash in fiscal year 2003 from the State Fire Marshal Fund (Fund 546) to the General Revenue Fund.

Of the foregoing appropriation item 800-402, Grants-Volunteer Fire Departments, \$200,000 in fiscal year 2002 shall be granted to the Monday Creek Fire Department.

LABOR AND WORKER SAFETY

The Department of Commerce may designate a portion of appropriation item 800-410, Labor and Worker Safety, to be used to match federal funding for the OSHA on-site consultation program.

SMALL GOVERNMENT FIRE DEPARTMENTS

Upon the request of the Director of Commerce, the Director of Budget and Management shall transfer \$250,000 cash in each fiscal year from the State Fire Marshal Fund (Fund 546) within the State Special Revenue Fund Group to the Small Government Fire Departments Fund (Fund 5F1) within the General Services Fund Group.

Notwithstanding section 3737.17 of the Revised Code, the foregoing appropriation item 800-635, Small Government Fire Departments, may be used to provide loans to private fire departments.

PENALTY ENFORCEMENT

The foregoing appropriation item 800-621, Penalty Enforcement, shall be used to enforce sections 4115.03 to 4115.16 of the Revised Code.

On July 1, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Penalty Enforcement Fund that was in the custody of the state treasury to the Penalty Enforcement Fund (Fund 5K7) that is created in the state treasury by section 4115.10 of the Revised Code. The fund shall be used for deposit of moneys

received from penalties paid under section 4115.10 of the Revised Code.

UNCLAIMED FUNDS PAYMENTS

The foregoing appropriation item 800-625, Unclaimed Funds-Claims, shall be used to pay claims pursuant to section 169.08 of the Revised Code. If it is determined that additional amounts are necessary, the amounts are appropriated.

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING

The Director of Commerce may, upon concurrence by the Director of Budget and Management, submit to the Controlling Board for approval a request for increased appropriation authority for appropriation item 800-601, Merchandising.

CASH BALANCE TRANSFER

On July 1, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Salvage and Exchange Fund (Fund 861) to the Liquor Control Fund (Fund 043) created in section 4301.12 of the Revised Code. Upon the completion of the transfer, the Salvage and Exchange Fund, which was created by the Controlling Board during the 1973-1975 biennium, is abolished. The director shall cancel any existing encumbrances against appropriation item 800-634, Salvage and Exchange, and reestablish them against appropriation item 800-627, Liquor Control Operating.

DEVELOPMENT ASSISTANCE DEBT SERVICE

The foregoing appropriation item 800-633, Development Assistance Debt Service, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2001, to June 30, 2003, for bond service charges on obligations issued under section 166.08 of the Revised Code, but limited to the aggregate amount of \$32,275,900. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated, provided that the appropriation does not exceed \$25,000,000 in any fiscal year, except as may be needed for payments on obligations issued to meet guarantees. The General Assembly acknowledges that an appropriation for this purpose is not required, but is made in this form and in this act for record purposes only.

REVITALIZATION DEBT SERVICE

The foregoing appropriation item 800-636, Revitalization Debt Service, shall be used to pay debt service and related financing costs during the period from July 1, 2001, to June 30, 2003, on obligations to be issued for revitalization purposes under Section 2o of Article VIII, Ohio Constitution, and implementing legislation. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby

appropriated. The General Assembly acknowledges: (A) the priority of the pledge of a portion of receipts from that source to obligations issued and to be issued and guarantees made and to be made under Chapter 166. of the Revised Code; and (B) that this appropriation is subject to further consideration pursuant to implementing legislation.

ADMINISTRATIVE ASSESSMENTS

Notwithstanding any other provision of law to the contrary, Fund 163, Administration, shall receive assessments from all operating funds of the department in accordance with procedures prescribed by the Director of Commerce and approved by the Director of Budget and Management.

SECTION 33. OCC OFFICE OF CONSUMERS' COUNSEL

General Services Fund Group

5F5 053-601	Operating Expenses	\$	8,560,182	\$	9,277,518
TOTAL GSF General Services Fund Group		\$	8,560,182	\$	9,277,518
TOTAL ALL BUDGET FUND GROUPS		\$	8,560,182	\$	9,277,518

CONSUMERS' COUNSEL TRANSFER

On July 1, 2001, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$349,758.12 in cash from Fund 5F5, Consumers' Counsel Operating Fund, to the General Revenue Fund.

SECTION 34. CEB CONTROLLING BOARD

General Revenue Fund

GRF 911-404	Mandate Assistance	\$	2,000,000	\$	2,000,000
GRF 911-408	Ohio's Bicentennial Celebration	\$	3,000,000	\$	5,000,000
GRF 911-441	Ballot Advertising Costs	\$	600,000	\$	600,000
TOTAL GRF General Revenue Fund		\$	5,600,000	\$	7,600,000

State Special Revenue Fund Group

5E2 911-601	Disaster Services	\$	8,000,000	\$	4,000,000
TOTAL SSR State Special Revenue Fund Group		\$	8,000,000	\$	4,000,000
TOTAL ALL BUDGET FUND GROUPS		\$	13,600,000	\$	11,600,000

FEDERAL SHARE

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.

DISASTER ASSISTANCE

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Emergency Purposes

Fund to a Department of Public Safety General Revenue Fund appropriation item to provide funding for assistance to political subdivisions made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.

SOUTHERN OHIO CORRECTIONAL FACILITY COST

The Office of Criminal Justice Services and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from the Emergency Purposes Fund for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

DISASTER SERVICES

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the foregoing appropriation item 911-601, Disaster Services, to a Department of Public Safety General Revenue Fund appropriation item to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding for disaster aid requests that meet the Emergency Management Agency's criteria for assistance.

The foregoing appropriation item 911-601, Disaster Services, shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriation authority to any fund and appropriation item for the payment of state agency program expenses as follows:

- (A) The southern Ohio flooding, referred to as FEMA-DR-1164-OH;
- (B) The flood/storm disaster referred to as FEMA-DR-1227-OH;
- (C) The Southern Ohio flooding, referred to as FEMA-DR-1321-OH;
- (D) The flooding referred to as FEMA-DR-1339-OH;
- (E) The tornado/storms referred to as FEMA-DR-1343-OH;
- (F) Other disasters declared by the Governor, if the Director of Budget and Management determines that sufficient funds exist beyond the expected program costs of these disasters.

MANDATE ASSISTANCE

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government, school districts, and fire departments for the cost of the following three

unfunded state mandates:

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;

(2) The cost, primarily to small villages and townships, of providing firefighter training and equipment or gear;

(3) The cost to school districts of in-service training for child abuse detection.

(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.

PROGRAM	ADMINISTERING AGENCY	ESTIMATED ANNUAL AMOUNT
Prosecution Costs	Office of Criminal Justice Services	\$200,000
Firefighter Training Costs	Department of Commerce	\$1,000,000
Child Abuse Detection Training Costs	Department of Education	\$800,000

(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 aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services.

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules that the Office of Criminal Justice Services shall adopt, apply to the Office of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office.

(c) Twice each year, the Office of Criminal Justice Services shall designate counties to receive grants from those counties that have submitted one or more applications in compliance with the rules that have been adopted by the Office of Criminal Justice Services for the receipt of such grants. In each year's first round of grant awards, if sufficient appropriations have been made, up to a total of \$100,000 may be awarded. In each year's second round of grant awards, the remaining appropriations available for this purpose may be awarded.

(d) If for a given round of grants there are insufficient appropriations to make grant awards to all the eligible counties, the first priority shall be given to counties with cases involving aggravated murder and murder, second priority shall be given to cases involving a felony of the first degree, and third priority shall be given to cases involving a felony of the second degree. Within these priorities, the grant awards shall be based on the order in which the applications were received, except that applications for cases involving a felony of the first or second degree shall not be considered in more than two consecutive rounds of grant awards.

(2) FIREFIGHTER TRAINING COSTS

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.

(3) CHILD ABUSE DETECTION TRAINING COSTS

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.

(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.

The amount to be disbursed to each county shall be allocated proportionately to the ADM of the educational service center for which a board of county commissioners is required to provide an office under section 3319.19 of the Revised Code.

OHIO'S BICENTENNIAL CELEBRATION

The foregoing appropriation item 911-408, Ohio's Bicentennial Celebration, shall be distributed according to a plan approved by the Ohio Bicentennial Commission. Pursuant to requests submitted by the Ohio Bicentennial Commission, the Controlling Board may approve transfers from the foregoing appropriation item 911-408, Ohio's Bicentennial Celebration, to appropriation item 360-503, Ohio Bicentennial Commission, or to other new or existing appropriation items of a state agency or other entity as specified by the commission.

Of the foregoing appropriation item 911-408, Ohio's Bicentennial Celebration, \$100,000 in each fiscal year shall be distributed to Inventing Flight 2003, \$75,000 in each fiscal year shall be distributed to the North Ridgeville Historical Society, and \$62,500 in each fiscal year shall be distributed to the Gallia County Historical Society.

BALLOT ADVERTISING COSTS

Pursuant to requests submitted by the Ohio Ballot Board, the Controlling Board shall approve transfers from the foregoing appropriation item 911-441, Ballot Advertising Costs, to an Ohio Ballot Board appropriation item in order to reimburse county boards of elections for the cost of public notices associated with statewide ballot initiatives.

Of the foregoing appropriation item 911-441, Ballot Advertising Costs, the Director of Budget and Management shall transfer any amounts that are not needed for the purpose of reimbursing county boards of elections for the cost of public notices associated with statewide ballot initiatives to appropriation item 911-404, Mandate Assistance.

SECTION 35. COS STATE BOARD OF COSMETOLOGY

General Services Fund Group

4K9 879-609 Operating Expenses	\$	2,528,489	\$	2,728,359
TOTAL GSF General Services Fund Group	\$	2,528,489	\$	2,728,359
TOTAL ALL BUDGET FUND GROUPS	\$	2,528,489	\$	2,728,359

SECTION 36. CSW COUNSELOR AND SOCIAL WORKERS BOARD

General Services Fund Group

4K9 899-609 Operating Expenses	\$	907,772	\$	953,563
TOTAL GSF General Services Fund Group	\$	907,772	\$	953,563
TOTAL ALL BUDGET FUND GROUPS	\$	907,772	\$	953,563

SECTION 37. CLA COURT OF CLAIMS

General Revenue Fund

GRF 015-321 Operating Expenses	\$	2,953,045	\$	3,035,730
TOTAL GRF General Revenue Fund	\$	2,953,045	\$	3,035,730

State Special Revenue Fund Group

5K2 015-603 CLA Victims of Crime	\$	1,891,183	\$	1,602,716
TOTAL SSR State Special Revenue Fund Group	\$	1,891,183	\$	1,602,716
TOTAL ALL BUDGET FUND GROUPS	\$	4,844,228	\$	4,638,446

SECTION 38. CJS OFFICE OF CRIMINAL JUSTICE SERVICES

General Revenue Fund

GRF 196-401 Criminal Justice Information System	\$	772,236	\$	798,575
GRF 196-403 Violence Prevention	\$	292,891	\$	277,924
GRF 196-405 Family Violence Prevention Program	\$	775,000	\$	775,000
GRF 196-424 Operating Expenses	\$	1,655,987	\$	1,840,186

Am. Sub. H. B. No. 94

1206

TOTAL GRF General Revenue Fund	\$	3,496,114	\$	3,691,685
General Services Fund Group				
4P6 196-601 General Services	\$	107,310	\$	109,992
TOTAL GSF General Services Fund Group	\$	107,310	\$	109,992
Federal Special Revenue Fund Group				
3L5 196-604 Justice Programs	\$	29,464,972	\$	29,494,089
3U1 196-602 Juvenile Justice Program	\$	250,000	\$	0
TOTAL FED Federal Special Revenue Fund Group	\$	29,714,972	\$	29,494,089
TOTAL ALL BUDGET FUND GROUPS	\$	33,318,396	\$	33,295,766

INDIGENT DEFENSE

The Office of Criminal Justice Services shall make all efforts to maximize the amount of funding available for the defense of indigent persons.

CRIMINAL JUSTICE INFORMATION SYSTEM

The foregoing appropriation item 196-401, Criminal Justice Information System, shall be used by the Office of Criminal Justice Services to work on a plan to improve Ohio's criminal justice information systems. The Director of Criminal Justice Services shall evaluate the progress of this plan and issue a report to the Governor, the Speaker and the Minority Leader of the House of Representatives, the President and the Minority Leader of the Senate, the Criminal Justice Policy Board, and the Legislative Service Commission by the first day of January of each year of the two-year biennium beginning July 1, 2001, and ending June 30, 2003.

OPERATING EXPENSES

Of the foregoing appropriation item 196-424, Operating Expenses, up to \$577,642 in fiscal year 2002 and up to \$606,109 in fiscal year 2003 shall be used for the purpose of matching federal funds.

JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT

The foregoing appropriation item 196-602, Juvenile Justice Program, shall be used to fund and close out the Juvenile Accountability Incentive Block Grant Program for federal fiscal year 1999.

SECTION 39. DEN STATE DENTAL BOARD

General Services Fund Group				
4K9 880-609 Operating Expenses	\$	1,250,703	\$	1,281,056
TOTAL GSF General Services Fund Group	\$	1,250,703	\$	1,281,056
TOTAL ALL BUDGET FUND GROUPS	\$	1,250,703	\$	1,281,056

SECTION 40. BDP BOARD OF DEPOSIT

General Services Fund Group

4M2 974-601	Board of Deposit	\$	838,000	\$	838,000
TOTAL GSF General Services Fund					
Group		\$	838,000	\$	838,000
TOTAL ALL BUDGET FUND GROUPS					
		\$	838,000	\$	838,000

BOARD OF DEPOSIT EXPENSE FUND

Upon receiving certification of expenses from the Treasurer of State, the Director of Budget and Management shall transfer cash from the Investment Earnings Redistribution Fund (Fund 608) to the Board of Deposit Expense Fund (Fund 4M2). The latter fund shall be used to pay for banking charges and fees required for the operation of the State of Ohio Regular Account.

SECTION 41. DEV DEPARTMENT OF DEVELOPMENT**General Revenue Fund**

GRF 195-100	Personal Services	\$	2,651,334	\$	2,920,941
GRF 195-200	Maintenance	\$	589,524	\$	601,314
GRF 195-300	Equipment	\$	108,161	\$	110,324
GRF 195-401	Thomas Edison Program	\$	20,000,000	\$	20,000,000
GRF 195-404	Small Business Development	\$	2,452,342	\$	2,529,843
GRF 195-405	Minority Business	\$	2,278,888	\$	2,297,314
Development Division					
GRF 195-406	Transitional and Permanent	\$	2,770,145	\$	2,770,155
Housing					
GRF 195-407	Travel and Tourism	\$	6,345,500	\$	6,448,399
GRF 195-408	Coal Research Development	\$	562,551	\$	585,290
GRF 195-412	Business Development Grants	\$	8,033,935	\$	9,092,851
GRF 195-414	First Frontier Match	\$	490,000	\$	490,000
GRF 195-415	Regional Offices and	\$	6,420,675	\$	6,735,253
Economic Development					
GRF 195-416	Governor's Office of	\$	5,466,954	\$	5,475,126
Appalachia					
GRF 195-417	Urban/Rural Initiative	\$	980,000	\$	980,000
GRF 195-422	Technology Action	\$	14,000,000	\$	14,000,000
GRF 195-431	Community Development	\$	2,530,860	\$	2,530,860
Corporation Grants					
GRF 195-432	International Trade	\$	5,390,000	\$	5,551,700
GRF 195-434	Investment in Training Grants	\$	12,500,000	\$	12,500,000
GRF 195-436	Labor/Management	\$	1,146,805	\$	1,152,752
Cooperation					
GRF 195-440	Emergency Shelter Housing	\$	2,768,313	\$	2,841,441
Grants					
GRF 195-441	Low and Moderate Income	\$	19,000,000	\$	19,000,000
Housing					
GRF 195-497	CDBG Operating Match				
State					
		\$	1,208,576	\$	1,215,295
Federal					
		\$	5,200,000	\$	6,500,000
CDBG Operating Match Total					
		\$	6,408,576	\$	7,715,295
GRF 195-498	State Energy Match	\$	153,558	\$	158,548
GRF 195-501	Appalachian Local	\$	453,962	\$	453,962
Development Districts					
GRF 195-502	Appalachian Regional	\$	219,912	\$	219,912
Commission Dues					
GRF 195-505	Utility Bill Credits	\$	7,350,000	\$	7,350,000

Am. Sub. H. B. No. 94

1208

GRF 195-507	Travel and Tourism Grants	\$	1,250,000	\$	1,250,000
GRF 195-510	Issue 1 Implementation	\$	1,000,000	\$	1,500,000
GRF 195-906	Coal Research and Development General Obligation Debt Service	\$	8,971,700	\$	9,420,300
TOTAL GRF General Revenue Fund					
State		\$	137,093,695	\$	140,181,580
Federal		\$	5,200,000	\$	6,500,000
GRF TOTAL		\$	142,293,695	\$	146,681,580
General Services Fund Group					
135 195-605	Supportive Services	\$	9,038,988	\$	9,531,707
136 195-621	International Trade	\$	100,000	\$	24,915
685 195-636	General Reimbursements	\$	1,275,234	\$	1,323,021
TOTAL GSF General Services Fund Group					
		\$	10,414,222	\$	10,879,643
Federal Special Revenue Fund Group					
3K8 195-613	Community Development Block Grant	\$	65,149,441	\$	65,088,961
3K9 195-611	Home Energy Assistance Block Grant	\$	62,000,000	\$	62,000,000
3K9 195-614	HEAP Weatherization	\$	10,412,041	\$	10,412,041
3L0 195-612	Community Services Block Grant	\$	22,135,000	\$	22,135,000
3V1 195-601	HOME Program	\$	40,000,000	\$	40,000,000
308 195-602	Appalachian Regional Commission	\$	350,000	\$	350,200
308 195-603	Housing and Urban Development	\$	5,000,000	\$	5,000,000
308 195-605	Federal Projects	\$	7,855,501	\$	7,855,501
308 195-609	Small Business Administration	\$	3,799,626	\$	3,799,626
308 195-618	Energy Federal Grants	\$	2,803,560	\$	2,803,560
335 195-610	Oil Overcharge	\$	8,500,000	\$	8,500,000
380 195-622	Housing Development Operating	\$	4,507,212	\$	4,696,198
TOTAL FED Federal Special Revenue Fund Group					
		\$	232,512,381	\$	232,641,087
State Special Revenue Fund Group					
4F2 195-639	State Special Projects	\$	1,052,762	\$	1,079,082
4H4 195-641	First Frontier	\$	600,000	\$	650,000
4S0 195-630	Enterprise Zone Operating	\$	211,900	\$	211,900
4S1 195-634	Job Creation Tax Credit Operating	\$	372,700	\$	375,800
4W1 195-646	Minority Business Enterprise Loan	\$	2,572,960	\$	2,580,597
444 195-607	Water and Sewer Commission Loans	\$	511,000	\$	523,775
445 195-617	Housing Finance Operating	\$	3,782,808	\$	3,968,184
450 195-624	Minority Business Bonding Program Administration	\$	13,232	\$	13,563
451 195-625	Economic Development Financing Operating	\$	2,062,451	\$	2,143,918
5M4 195-659	Universal Service	\$	160,000,000	\$	160,000,000

Am. Sub. H. B. No. 94

1209

5M5	195-660	Energy Efficiency Revolving Loan	\$	12,000,000	\$	12,000,000
611	195-631	Water and Sewer Administration	\$	15,330	\$	15,713
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000
646	195-638	Low and Moderate Income Housing Trust Fund	\$	21,539,552	\$	22,103,807
TOTAL SSR State Special Revenue Fund Group			\$	204,934,695	\$	205,866,339
Facilities Establishment Fund						
037	195-615	Facilities Establishment	\$	56,701,684	\$	58,119,226
4Z6	195-647	Rural Industrial Park Loan	\$	5,000,000	\$	5,000,000
5D1	195-649	Port Authority Bond Reserves	\$	2,500,000	\$	2,500,000
5D2	195-650	Urban Redevelopment Loans	\$	10,000,000	\$	10,475,000
5H1	195-652	Family Farm Loan Guarantee	\$	2,246,375	\$	2,246,375
TOTAL 037 Facilities Establishment Fund			\$	76,448,059	\$	78,340,601
Coal Research/Development Fund						
046	195-632	Coal Research and Development Fund	\$	12,847,178	\$	13,168,357
TOTAL 046 Coal Research/Development Fund			\$	12,847,178	\$	13,168,357
TOTAL ALL BUDGET FUND GROUPS			\$	679,450,230	\$	687,577,607

SECTION 41.01. WASHINGTON OFFICE

Of the foregoing appropriation items 195-100, Personal Services, 195-200, Maintenance, and 195-300, Equipment, no more than \$335,700 in fiscal year 2002 and \$335,700 in fiscal year 2003 may be transferred to the General Reimbursement Fund (Fund 685) to support the Washington Office. The transfer shall be made using an intrastate transfer voucher.

THOMAS EDISON PROGRAM

The foregoing appropriation item 195-401, Thomas Edison Program, shall be used for the purposes of sections 122.28 to 122.38 of the Revised Code in order to provide funds for cooperative public and private efforts in technological innovation to promote the development and transfer of technology by and to Ohio businesses that will lead to the creation of jobs, and to provide for the administration of this program by the Technology Division.

Of the foregoing appropriation item 195-401, Thomas Edison Program, not more than \$2,153,282 in fiscal year 2002 and \$2,228,537 in fiscal year 2003 shall be used for the Technology Division's operating expenses in administering this program.

Of the foregoing appropriation item 195-401, Thomas Edison Program, \$187,500 in each fiscal year shall be used for the establishment of an e-logistics port at Rickenbacker Port Authority, and \$100,000 in fiscal year

2002 shall be used for the University of Akron Metals Technology Facility Feasibility Study.

SECTION 41.02. SMALL BUSINESS DEVELOPMENT

The foregoing appropriation item 195-404, Small Business Development, shall be used to ensure that the unique needs and concerns of small businesses are addressed.

The foregoing appropriation shall be used to provide grants to local organizations to support the operation of Small Business Development Centers, and other local economic development activity promoting small business and for the cost of administering the program. The centers shall provide technical, financial, and management consultation for small business, and facilitate access to state and federal programs. These funds shall be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Public Law No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and regulations and policy guidelines for these programs.

In addition, the Office of Small Business shall operate the One-Stop Business Permit Center, the Women's Business Resource Program, support government procurement assistance, and implement and coordinate the duties imposed on the Department of Development by Am. Sub. S.B. 239 of the 115th General Assembly.

MINORITY BUSINESS DEVELOPMENT DIVISION

Of the foregoing appropriation item 195-405, Minority Business Development Division, no less than \$1,060,000 in each 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.

SECTION 41.03. TRANSITIONAL AND PERMANENT HOUSING PROGRAM

Of the foregoing appropriation item 195-406, Transitional and Permanent Housing, the Office of Housing and Community Partnerships

shall make grants to local governments and nonprofit organizations for the acquisition, rehabilitation, renovation, construction, conversion, operating, and supportive services costs for both new and existing transitional and permanent housing for the homeless.

COAL RESEARCH DEVELOPMENT

The foregoing appropriation item 195-408, Coal Research Development, shall be used for the administrative costs of the Coal Development Office within the Technology Division and for grants that encourage, promote, and assist the use of Ohio coal pursuant to section 1551.32 of the Revised Code.

SECTION 41.04. BUSINESS DEVELOPMENT

The foregoing appropriation item 195-412, Business Development Grants, shall be used as an incentive for attracting and retaining business opportunities for the state. Any such business opportunity, whether new, expanding, or relocating in Ohio, is eligible for funding. The project must create or retain a significant number of jobs for Ohioans. Grant awards may be considered only when (1) the project's viability hinges on an award of appropriation item 195-412, Business Development Grants, funds; (2) all other public or private sources of financing have been considered; or (3) the funds act as a catalyst for the infusion into the project of other financing sources.

The department's primary goal shall be to award funds to political subdivisions of the state for off-site infrastructure improvements. In order to meet the particular needs of economic development in a region, the department may elect to award funds directly to a business for on-site infrastructure improvements. Infrastructure improvements mean improvements to water system facilities, sewer and sewage treatment facilities, electric or gas service facilities, fiber optic facilities, rail facilities, site preparation, and parking facilities. The Director of Development may recommend the funds be used in an alternative manner when deemed appropriate to meet an extraordinary economic development opportunity or need.

The foregoing appropriation item 195-412, Business Development Grants, may be expended only after the submission of a request to the Controlling Board by the Department of Development outlining the planned use of the funds, and the subsequent approval of the request by the Controlling Board.

The foregoing appropriation item 195-412, Business Development Grants, may be used for, but is not limited to, construction, rehabilitation,

and acquisition projects for rail freight assistance as requested by the Department of Transportation. The Director of Transportation shall submit the proposed projects to the Director of Development for an evaluation of potential economic benefit.

SECTION 41.05. FIRST FRONTIER MATCH

The foregoing appropriation item 195-414, First Frontier Match, shall be used as matching funds to targeted counties for the purpose of marketing state, regional, and local characteristics that may attract economic development. Targeted counties mean counties that have a population of less than 175,000 residents. The appropriation may be used either for marketing programs by individual targeted counties or regional marketing campaigns, which are marketing programs in which at least one targeted county is participating with one or more other targeted counties or larger counties.

REGIONAL OFFICES AND ECONOMIC DEVELOPMENT

The foregoing appropriation item 195-415, Regional Offices and Economic Development, shall be used for the operating expenses of the Economic Development Division and the regional economic development offices and for grants for cooperative economic development ventures.

SECTION 41.06. GOVERNOR'S OFFICE OF APPALACHIAN OHIO

The foregoing appropriation item 195-416, Governor's Office of Appalachia, shall be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachian Ohio. Funds not expended for liaison and training activities may be expended for special project grants within the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to \$250,000 each fiscal year shall be used to match federal funds from the Appalachian Development Commission to provide job training to impact the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, \$4,400,000 in each fiscal year shall be used in conjunction with other federal and state funds to provide financial assistance to projects in Ohio's Appalachian counties in order to further the goals of the Appalachian Regional Commission. Such projects and project sponsors shall meet Appalachian Regional Commission eligibility requirements. Grants shall be administered by the Department of Development.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, \$500,000 in each fiscal year shall be used by the Appalachian

Energy Grant Authority to make grants to eligible applicants to enhance and maintain the economic welfare of the Appalachian Region through the support of manufacturing in the region.

URBAN/RURAL INITIATIVE

The foregoing appropriation item 195-417, Urban/Rural Initiative, shall be used to make grants in accordance with sections 122.19 to 122.22 of the Ohio Revised Code.

Of the foregoing appropriation item 195-417, Urban/Rural Initiative, \$50,000 in each fiscal year shall be used for the Corning Civic Center; \$50,000 in each fiscal year shall be used for the Somerset Historic Building; \$365,000 in fiscal year 2002 shall be used for State Route 13 Access Improvements; \$50,000 in each fiscal year shall be used for the Murray City Flood Prevention; \$62,800 in fiscal year 2002 and \$427,800 in fiscal year 2003 shall be used for the Northern Perry Sewer; \$75,000 in each fiscal year shall be used for the Village of Oak Hill Sewer System Improvements; \$25,000 in each fiscal year shall be used for the Laurelville Community Projects; \$62,500 in each fiscal year shall be used for the Gallia County Community Projects; \$75,000 in each fiscal year shall be used for the Meigs County Community Projects; \$125,000 in each fiscal year shall be used for the Crooksville Community Center; and \$25,000 in each fiscal year shall be used for the Huber Opera House and Civic Center.

TECHNOLOGY ACTION

Prior to the release of funds from appropriation item 195-422, Technology Action, each grant award shall first obtain approval from eight members of the Technology Action Board and from the Controlling Board.

The Technology Action Board shall consist of fourteen members. The following ten members shall be appointed by the Governor with the advice and consent of the Senate. Six members shall be recognized technology and business leaders from the following sectors covering the state: Northeast, Southeast, Northwest, Central, Southwest, and the Miami Valley Area. One member shall come from the Wright Patterson Air Force Laboratory, one member shall come from the NASA Glenn Research Center, one member shall come from the Inter-University Council, and one member shall be the current Director of the Edison Centers Technology Council.

The chair of the Technology Action Board shall be the Governor's Science and Technology Advisor, with staff and other support as needed from the Department of Development's Technology Division and from the Board of Regents' Academic and Access Division. In addition, the Directors of Development and Transportation (or their designees), and the Chancellor of the Board of Regents (or the Chancellor's designee), shall serve as

ex-officio members of the Technology Action Board.

The Technology Action Board, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the Board's grant award program, including rules specifying application procedures for and standards for grant awards under the program and rules prescribing the form of the application for a grant award under the program. The rules shall require grant awards under the program to be used by the applicant to whom a grant is awarded for the specific purposes stated by the applicant in the approved application for the grant and grant awards also may be made to a technology capital fund that is headquartered in any of the Governor's economic development regions that has not yet received venture capital funding. Not less than thirty per cent of the total grants awarded in each fiscal year by the Technology Action Board shall be given to job creation or retention efforts by for-profit organizations and businesses.

Of the foregoing appropriation item 195-422, Technology Action, not more than six per cent in each fiscal year shall be used for operating expenditures in administering this program.

In addition to the six per cent for operating expenditures, an additional administrative amount, not to exceed \$1,500,000 within the biennium, shall be used for research, analyses, and marketing efforts deemed necessary to receive and disseminate information about science and technology related opportunities.

Of the foregoing appropriation item 195-422, Technology Action, \$500,000 in each fiscal year shall be used for the EMTEK/Delphi Project for Wire Break Technology, and \$50,000 in fiscal year 2002 shall be used for the Ohio Aerospace Institute.

SCIENCE AND TECHNOLOGY COLLABORATION

The Board of Regents shall work in close collaboration with the Department of Development, the Biomedical Research and Technology Transfer Commission, created within the Board of Regents by section 183.20 of the Revised Code, and the Technology Action Board in relation to appropriation items and programs listed in the following paragraph, and other technology-related appropriations and programs in the Department of Development and the Board of Regents as these agencies may designate, to ensure implementation of a coherent state strategy with respect to science and technology.

Each of the following appropriations and programs: 194-401, Thomas Edison Program; 195-408, Coal Research Development; 195-422, Technology Action; 195-632, Coal Research and Development Fund; 235-428, Appalachian New Economy Partnership; 235-454, Research

Challenge; 235-510, Ohio Supercomputer Center; 235-527, Ohio Aerospace Institute; 235-535, Agricultural Research and Development Center; 235-554, Computer Science Graduate Education; 235-556, Ohio Academic Resources Network; and 235-405, Biomedical Research and Technology Transfer Commission, shall be reviewed annually by the Technology Action Board with respect to its development of complementary relationships within a combined state science and technology investment portfolio and its overall contribution to the state's science and technology strategy, including the adoption of appropriately consistent criteria for: (1) the scientific merit of activities supported by the program; (2) the relevance of the program's activities to commercial opportunities in the private sector; and (3) the private sector's involvement in a process that continually evaluates commercial opportunities to use the work supported by the program. The annual review by the Technology Action Board shall be a comprehensive review of the entire state science and technology program portfolio rather than a review of individual programs.

SECTION 41.07. COMMUNITY DEVELOPMENT CORPORATIONS

Of the foregoing appropriation item 195-431, Community Development Corporation Grants, a portion of funds in each fiscal year of the biennium shall be used to make grants to the Ohio Community Development Finance Fund, a nonprofit corporation, in order to leverage private-sector funds to assist nonprofit development organizations to create affordable housing and permanent jobs in distressed areas of the state. The remaining moneys shall be used to provide funds to assist local community development corporations to develop affordable housing programs and economic development programs in their neighborhoods, and for operating costs.

Of the foregoing appropriation item 195-431, Community Development Corporation Grants, not less than \$100,000 in each fiscal year shall be used to provide training, technical assistance, and capacity building assistance to nonprofit development organizations in underserved areas of the state. For grants awarded in each fiscal year of the biennium, priority shall be given to proposals submitted by nonprofit development organizations from underserved areas of the state.

SECTION 41.08. INTERNATIONAL TRADE

The foregoing appropriation item 195-432, International Trade, shall be used to operate and to maintain Ohio's out-of-state trade offices.

The Director of Development may enter into contracts with foreign

ionals to staff foreign offices. Such contracts may be paid in local currency or United States currency and shall be exempt from the provisions of section 127.16 of the Revised Code. The director also may establish foreign currency accounts in accordance with section 122.05 of the Revised Code for the payment of expenses related to the operation and maintenance of the foreign trade offices.

The foregoing appropriation item 195-432, International Trade, shall be used to fund the International Trade Division and to assist Ohio manufacturers and agricultural producers in exporting to foreign countries in conjunction with the Department of Agriculture.

Of the foregoing appropriation item 195-432, International Trade, up to \$35,000 may be used to purchase gifts for representatives of foreign governments or dignitaries of foreign countries.

SECTION 41.09. OHIO INVESTMENT IN TRAINING PROGRAM

The foregoing appropriation item 195-434, Investment in Training Grants, shall be used to promote industrial training through training grants for the reimbursement of eligible training expenses.

SECTION 41.10. EMERGENCY SHELTER HOUSING GRANTS

(A) As used in this section, "emergency shelter housing" means a structure suitable for the temporary housing of the homeless and the provision of, or referral to, supportive services. Shelters that restrict admission to victims of domestic violence, runaways, or alcohol or substance abusers shall not be considered emergency shelter housing.

(B) The foregoing appropriation item 195-440, Emergency Shelter Housing Grants, shall be used by the Office of Housing and Community Partnerships in the Department of Development to make grants to private, nonprofit organizations to provide emergency shelter housing for the homeless. The department shall distribute the grants pursuant to rules adopted by the Director of Development. The director may amend or rescind the rules and may adopt other rules necessary to implement this section. In awarding grants, the department shall give preference to organizations applying to fund existing emergency shelter housing.

The department shall notify each organization that applied for a grant under this section of the amount of its grant award, if any. To receive a grant, the organization shall provide matching funds equal to 50 per cent of the total grant it was awarded. The organization shall expend its grant for shelter operations and supportive services, which include employment

assistance, case management, information and referral services, transportation, and clothing. In providing employment assistance, the organization shall, at a minimum, refer persons to the Department of Job and Family Services.

LOW AND MODERATE INCOME HOUSING

The Director of Budget and Management, after consulting with the Director of Development, shall transfer up to \$19,000,000 from appropriation item 195-441, Low and Moderate Income Housing, to appropriation item 195-638, Low and Moderate Income Housing Trust Fund. This transfer shall be made via an intrastate transfer voucher.

TANF TRANSFER TO CDBG OPERATING MATCH

The Office of Housing and Community Partnerships of the Department of Development shall use \$5,200,000 of appropriation authority transferred from appropriation item 600-689, TANF Block Grant, in the Department of Job and Family Services in fiscal year 2002 to appropriation item 195-497, CDBG Operating Match, in the Department of Development, and \$6,500,000 of appropriation authority transferred from appropriation item 600-689, TANF Block Grant, in fiscal year 2003 to appropriation item 195-497, CDBG Operating Match, to provide grants supportive services for low-income families related to housing or homelessness, including housing counseling; to provide grants to nonprofit organizations to assist families with incomes at or below 200 per cent of the federal poverty guidelines with down payment assistance for homeownership, including the purchase of mobile homes; to provide emergency home repair funding for families with incomes at or below 200 per cent of the federal poverty guideline; to provide operating support for family emergency shelter programs; and to provide emergency rent and mortgage assistance for families with incomes at or below 200 per cent of the federal poverty guideline. TANF funds shall not be used to match federal funds.

The Department of Development shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan, and is responsible for payment of any adverse audit finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity concerning these funds.

No more than five per cent of transferred funds may be used by the department for administrative expenses of these programs. Transfer of funds between these programs shall first obtain approval of the Controlling Board.

As used in this section, "federal poverty guideline" means the poverty guideline as defined by the United States Office of Management and Budget

and revised by the United States Secretary of Health and Human Services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.

UTILITY BILL CREDIT

The foregoing appropriation item 195-505, Utility Bill Credits, shall be used to provide utility and fuel assistance to eligible low-income Ohio households with elderly and disabled members.

SECTION 41.11. TRAVEL AND TOURISM GRANTS

The foregoing appropriation item 195-507, Travel and Tourism Grants, shall be used to provide grants to local organizations to support various local travel and tourism events in Ohio.

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, up to \$200,000 in each fiscal year of the biennium may be used to support the outdoor dramas Trumpet in the Land, Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama; \$50,000 in each fiscal year shall be used for the Greater Cleveland Film Commission; \$50,000 in each fiscal year shall be used for the Cincinnati Film Commission; \$50,000 in each fiscal year shall be used for the American Classical Music Hall of Fame; \$100,000 in each fiscal year shall be used for the Ottawa County Visitors Bureau, the Sandusky/Erie County Visitors and Convention Bureau, and the Lorain County Visitors Bureau for collaborative efforts to promote tourism; \$50,000 in each fiscal year shall be used for the Ohio River Trails; and \$750,000 in each fiscal year shall be used for grants to the International Center for the Preservation of Wild Animals and the Ohio Zoo Consortium.

ISSUE 1 IMPLEMENTATION

The foregoing appropriation item 195-510, Issue 1 Implementation, shall be used to begin the implementation of Article VIII, Section 2o of the Ohio Constitution.

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 195-906, Coal Research and Development General Obligation Debt Service shall be used to pay all debt service and financing costs at the times they are required to be made under sections 151.01 and 151.07 of the Revised Code during the period from July 1, 2001, to June 30, 2003. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an intrastate transfer voucher.

SECTION 41.12. SUPPORTIVE SERVICES

The Director of Development may assess divisions of the department for the cost of central service operations. Such an assessment shall be based on a plan submitted to and approved by the Office of Budget and Management by the first day of August of each fiscal year, and contain the characteristics of administrative ease and uniform application.

A division's payments shall be credited to the Supportive Services Fund (Fund 135) using an intrastate transfer voucher.

GENERAL REIMBURSEMENT

The foregoing appropriation item 195-636, General Reimbursements, shall be used for conference and subscription fees and other reimbursable costs. Revenues to the General Reimbursement Fund (Fund 685) shall consist of fees and other moneys charged for conferences, subscriptions, and other administrative costs that are not central service costs.

HEAP WEATHERIZATION

Fifteen per cent of the federal funds received by the state for the Home Energy Assistance Block Grant shall be deposited in the Department of Development's Federal Special Revenue Fund (Fund 3K9) and shall be used to provide home weatherization services in the state.

HOME PROGRAM

On July 1, 2001, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the cash balance and open encumbrances relating to the HOME Program located within Fund 308, appropriation item 195-603, Housing and Urban Development. The Director of Budget and Management shall transfer the certified amount to newly created Fund 3V1, HOME Program. Any existing encumbrances in appropriation item 195-603 for the HOME Program shall be canceled and re-established against appropriation item 195-601, HOME Program. These re-established amounts are appropriated.

STATE SPECIAL PROJECTS

The foregoing appropriation item 195-639, State Special Projects, shall be used as a general account for the deposit of private-sector funds from utility companies and other miscellaneous state funds. Private-sector moneys shall be used to (1) pay the expenses of verifying the income-eligibility of HEAP applicants, (2) market economic development opportunities in the state, and (3) leverage additional federal funds. State funds shall be used to match federal housing grants for the homeless.

SECTION 41.13. MINORITY BUSINESS ENTERPRISE LOAN

All repayments from the Minority Development Financing Advisory Board loan program and the Ohio Mini-Loan Guarantee Program shall be deposited in the State Treasury, to the credit of the Minority Business Enterprise Loan Fund (Fund 4W1).

All operating costs of administering the Minority Business Enterprise Loan Fund shall be paid from the Minority Business Enterprise Loan Fund (Fund 4WI).

MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code and other provisions of Am. Sub. H.B. 283 of the 123rd General Assembly, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the 2001-2003 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program pursuant to section 169.05 of the Revised Code. The transfer of any cash by the Director of Budget and Management from the Department of Commerce's Unclaimed Funds Fund (Fund 543) to the Department of Development's Minority Business Bonding Fund (Fund 449) shall occur, if requested by the Director of Development, only if such funds are needed for payment of losses arising from the Minority Business Bonding Program, and only after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program has been used for that purpose. Moneys transferred by the Director of Budget and Management from the Department of Commerce for this purpose may be moneys in custodial funds held by the Treasurer of State. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195-623, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are appropriated.

MINORITY BUSINESS BONDING PROGRAM ADMINISTRATION

Investment earnings of the Minority Business Bonding Fund (Fund 449) shall be credited to the Minority Business Bonding Program Administration Fund (Fund 450).

SECTION 41.14. ECONOMIC DEVELOPMENT FINANCING OPERATING

The foregoing appropriation item 195-625, Economic Development

Financing Operating, shall be used for the operating expenses of financial assistance programs authorized under Chapter 166. of the Revised Code and under sections 122.43 and 122.45 of the Revised Code.

UNIVERSAL SERVICE FUND

The foregoing appropriation item 195-659, Universal Service, shall be used to provide electric utility assistance benefits to Percentage of Income Payment Plan (PIPP) electric accounts, to fund targeted energy efficiency and customer education services to PIPP customers, and to cover the department's administrative costs related to the Universal Service Fund Programs.

ENERGY EFFICIENCY REVOLVING LOAN FUND

The foregoing appropriation item 195-660, Energy Efficiency Revolving Loan, shall be used to provide financial assistance to customers for eligible energy efficiency projects for residential, commercial and industrial business, local government, educational institution, nonprofit, and agriculture customers, and to pay for the program's administrative costs as provided in the Revised Code and rules adopted by the Director of Development.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195-654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 617) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

SECTION 41.15. FACILITIES ESTABLISHMENT FUND

The foregoing appropriation item 195-615, Facilities Establishment (Fund 037), shall be used for the purposes of the Facilities Establishment Fund under Chapter 166. of the Revised Code.

Of the foregoing appropriation item 195-615, Facilities Establishment (Fund 037), up to \$5,000,000 in each fiscal year shall be used for the implementation of H.B. 6 of the 124th General Assembly, if the bill becomes law.

Notwithstanding Chapter 166. of the Revised Code, up to \$1,600,000 may be transferred each fiscal year from the Facilities Establishment Fund (Fund 037) to the Economic Development Financing Operating Fund (Fund 451). The transfer is subject to Controlling Board approval pursuant to division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, up to \$3,800,000 may be transferred in each fiscal year of the biennium from the Facilities

Establishment Fund (Fund 037) to the Minority Business Enterprise Loan Fund (Fund 4W1). The transfer is subject to Controlling Board approval pursuant to division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, up to \$5,000,000 cash may be transferred during the biennium from the Facilities Establishment Fund (Fund 037) to the Port Authority Bond Reserves Fund (Fund 5D1) for use by any port authority in establishing or supplementing bond reserve funds for any bond issuance permitted under Chapter 4582. of the Revised Code. The Director of Development shall develop program guidelines for the transfer and release of funds, including, but not limited to, a provision that a port authority shall receive not more than \$2,000,000 total from the fund. The transfer and release of funds are subject to Controlling Board approval. Of the foregoing appropriation item 195-649, Port Authority Bond Reserves, \$2,000,000 over the biennium, subject to Controlling Board approval, shall go to the Dayton Montgomery County Port Authority to establish or supplement bond reserves for job retention purposes per the guidelines set forth by the Director of Development.

Notwithstanding Chapter 166. of the Revised Code, up to \$20,475,000 cash may be transferred during the biennium from the Facilities Establishment Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) for the purpose of removing barriers to urban core redevelopment. The Director of Development shall develop program guidelines for the transfer and release of funds, including, but not limited to, the completion of all appropriate environmental assessments before state assistance is committed to a project.

Notwithstanding Chapter 166. of the Revised Code, up to \$5,000,000 per fiscal year in cash may be transferred from the Facilities Establishment Fund (Fund 037) to the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling Board approval pursuant to section 166.03 of the Revised Code.

FAMILY FARM LOAN PROGRAM

Notwithstanding Chapter 166. of the Revised Code, up to \$2,246,375 in each fiscal year shall be transferred from moneys in the Facilities Establishment Fund (Fund 037) to the Family Farm Loan Fund (Fund 5H1) in the Department of Development. These moneys shall be used for loan guarantees. The transfer is subject to Controlling Board approval.

Financial assistance from the Family Farm Loan Fund (Fund 5H1) shall be repaid to Fund 5H1. This fund is established in accordance with sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the Revised Code.

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, all

outstanding balances, all loan repayments, and any other outstanding obligations shall revert to the Facilities Establishment Fund (Fund 037).

SECTION 41.16. FUND 5F7 TRANSFER

On July 1, 2001, or as soon as possible thereafter, the Director of Budget and Management shall transfer all cash in Fund 5F7, Local Government Y2K Loan Program, to the General Revenue Fund. Upon completion of the transfer, Fund 5F7 is abolished.

SECTION 42. OBD OHIO BOARD OF DIETETICS

General Services Fund Group

4K9 860-609 Operating Expenses	\$	300,591	\$	317,617
TOTAL GSF General Services Fund Group	\$	300,591	\$	317,617
TOTAL ALL BUDGET FUND GROUPS	\$	300,591	\$	317,617

SECTION 43. CDR COMMISSION ON DISPUTE RESOLUTION AND CONFLICT MANAGEMENT

General Revenue Fund

GRF 145-401 Commission on Dispute Resolution/Management	\$	581,192	\$	609,974
TOTAL GRF General Revenue Fund	\$	581,192	\$	609,974

General Services Fund Group

4B6 145-601 Gifts and Grants	\$	160,590	\$	164,605
TOTAL GSF General Services Fund Group	\$	160,590	\$	164,605

Federal Special Revenue Fund Group

3S6 145-602 Dispute Resolution: Federal	\$	32,917	\$	0
TOTAL FED Federal Special Revenue Fund Group	\$	32,917	\$	0

TOTAL ALL BUDGET FUND GROUPS	\$	774,699	\$	774,579
------------------------------	----	---------	----	---------

COMMISSION ON DISPUTE RESOLUTION/MANAGEMENT

The foregoing appropriation item 145-401, Commission on Dispute Resolution/Management, shall be used in each fiscal year by the Commission on Dispute Resolution and Conflict Management for the purpose of providing dispute resolution and conflict management training, consultation, and materials for state and local government, communities, school districts, and courts and, in consultation with the Department of Education, for the purpose of offering competitive school conflict programs

to school districts.

The Commission shall assist the Department of Education in the development and dissemination of the school conflict management programs to school districts.

SECTION 44. EDU DEPARTMENT OF EDUCATION

General Revenue Fund

GRF 200-100	Personal Services	\$	11,819,828	\$	12,113,828
GRF 200-320	Maintenance and Equipment	\$	5,052,866	\$	5,185,051
GRF 200-406	Head Start	\$	98,843,825	\$	98,843,825
GRF 200-408	Public Preschool	\$	19,506,206	\$	19,506,206
GRF 200-410	Professional Development	\$	23,463,829	\$	34,810,579
GRF 200-411	Family and Children First	\$	3,550,000	\$	3,550,000
GRF 200-416	Vocational Education Match	\$	2,381,738	\$	2,381,738
GRF 200-420	Technical Systems	\$	6,000,000	\$	6,500,000
	Development				
GRF 200-421	Alternative Education	\$	18,000,000	\$	18,000,000
	Programs				
GRF 200-422	School Management	\$	2,185,675	\$	1,971,219
	Assistance				
GRF 200-424	Policy Analysis	\$	642,756	\$	674,894
GRF 200-425	Tech Prep Administration	\$	2,431,012	\$	2,431,012
GRF 200-426	Ohio Educational Computer	\$	39,871,927	\$	39,871,927
	Network				
GRF 200-427	Academic Standards	\$	8,474,999	\$	8,862,500
GRF 200-431	School Improvement	\$	15,850,000	\$	14,625,000
	Initiatives				
GRF 200-432	School Conflict Management	\$	626,496	\$	657,821
GRF 200-433	Reading/Writing	\$	18,962,948	\$	19,276,694
	Improvement				
GRF 200-437	Student Assessment	\$	23,692,045	\$	25,942,045
GRF 200-438	Safe Schools	\$	2,050,000	\$	2,050,000
GRF 200-441	American Sign Language	\$	232,073	\$	236,715
GRF 200-442	Child Care Licensing	\$	1,517,751	\$	1,548,107
GRF 200-444	Professional Recruitment	\$	1,917,000	\$	1,705,800
GRF 200-445	OhioReads Admin/Volunteer	\$	5,485,440	\$	5,485,440
	Support				
GRF 200-446	Education Management	\$	16,479,636	\$	17,573,430
	Information System				
GRF 200-447	GED Testing/Adult High	\$	2,038,678	\$	2,079,451
	School				
GRF 200-455	Community Schools	\$	4,728,935	\$	4,824,517
GRF 200-500	School Finance Equity	\$	23,560,125	\$	19,975,864
GRF 200-501	Base Cost Funding	\$	4,273,654,781	\$	4,441,014,505
GRF 200-502	Pupil Transportation	\$	334,183,786	\$	377,305,465
GRF 200-503	Bus Purchase Allowance	\$	36,735,279	\$	36,799,984
GRF 200-505	School Lunch Match	\$	9,639,000	\$	9,831,780
GRF 200-509	Adult Literacy Education	\$	8,628,000	\$	8,628,000
GRF 200-511	Auxiliary Services	\$	122,782,475	\$	127,650,709
GRF 200-513	Student Intervention Services	\$	31,900,000	\$	38,280,000
GRF 200-514	Post-Secondary/Adult	\$	23,240,243	\$	23,240,243

Am. Sub. H. B. No. 94

1225

GRF 200-520	Career-Technical Education Disadvantaged Pupil Impact Aid	\$	360,149,743	\$	360,149,743
GRF 200-521	Gifted Pupil Program	\$	45,930,131	\$	47,983,321
GRF 200-525	Parity Aid	\$	99,813,832	\$	210,305,911
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$	53,533,703	\$	55,675,051
GRF 200-534	Desegregation Costs	\$	500,000	\$	500,000
GRF 200-540	Special Education Enhancements	\$	139,006,701	\$	141,950,428
GRF 200-545	Career-Technical Education Enhancements	\$	21,673,574	\$	22,406,349
GRF 200-546	Charge-Off Supplement	\$	39,191,433	\$	28,684,104
GRF 200-552	County MR/DD Boards Vehicle Purchases	\$	1,666,204	\$	1,666,204
GRF 200-553	County MR/DD Boards	\$	9,575,910	\$	9,575,910
GRF 200-558	Transportation Operating Emergency Loan Interest Subsidy	\$	4,500,000	\$	3,300,000
GRF 200-566	OhioReads Grants	\$	27,148,000	\$	27,148,000
GRF 200-570	School Improvement Incentive Grants	\$	837,500	\$	987,500
GRF 200-574	Substance Abuse Prevention	\$	1,948,200	\$	1,948,200
GRF 200-580	Bethel School Cleanup	\$	65,000	\$	65,000
GRF 200-901	Property Tax Allocation - Education	\$	707,700,000	\$	743,000,000
GRF 200-906	Tangible Tax Exemption - Education	\$	73,500,000	\$	75,700,000
TOTAL GRF General Revenue Fund		\$	6,786,869,283	\$	7,164,480,070
General Services Fund Group					
138 200-606	Information Technology	\$	6,629,469	\$	6,761,034
4D1 200-602	Ohio Prevention/Education Resource Center	\$	345,000	\$	345,000
4L2 200-681	Teacher Certification and Licensure	\$	4,684,143	\$	4,856,290
452 200-638	Miscellaneous Revenue	\$	1,045,000	\$	1,045,000
5H3 200-687	School District Solvency Assistance	\$	24,000,000	\$	24,000,000
596 200-656	Ohio Career Information System	\$	743,217	\$	769,230
TOTAL GSF General Services Fund Group		\$	37,446,829	\$	37,776,554
Federal Special Revenue Fund Group					
3C5 200-661	Federal Dependent Care Programs	\$	18,189,907	\$	18,233,488
3D1 200-664	Drug Free Schools	\$	20,621,375	\$	20,660,570
3D2 200-667	Honors Scholarship Program	\$	2,454,688	\$	2,540,602
3H9 200-605	Head Start Collaboration Project	\$	250,000	\$	250,000
3M0 200-623	ESEA Chapter One	\$	320,505,063	\$	330,172,277
3M1 200-678	ESEA Chapter Two	\$	13,595,978	\$	14,059,555
3M2 200-680	Ind W/Disab Education Act	\$	186,000,000	\$	206,000,000
3L6 200-617	Federal School Lunch	\$	175,274,000	\$	180,181,672

Am. Sub. H. B. No. 94

1226

3L7	200-618	Federal School Breakfast	\$	45,746,000	\$	47,026,888
3L8	200-619	Child and Adult Care Programs	\$	60,257,639	\$	61,966,125
3L9	200-621	Vocational Education Basic Grant	\$	43,613,582	\$	45,142,330
3S2	200-641	Tech Literacy Transfer	\$	15,183,430	\$	15,183,430
3T4	200-613	Public Charter Schools	\$	4,887,260	\$	5,055,185
3T6	200-611	Class Size Reduction	\$	63,000,000	\$	65,000,000
3U2	200-662	Teacher Quality Enhancement Grants	\$	1,300,501	\$	1,352,000
3U3	200-665	Reading Excellence Grant Program	\$	10,018,756	\$	0
3U6	200-675	Provision 2 & 3 Grant	\$	191,050	\$	0
309	200-601	Educationally Disadvantaged	\$	20,759,222	\$	21,425,345
366	200-604	Adult Basic Education	\$	17,527,286	\$	18,140,740
367	200-607	School Food Services	\$	10,089,884	\$	10,408,199
368	200-614	Veterans' Training	\$	648,514	\$	671,212
369	200-616	Vocational Education	\$	8,000,000	\$	8,000,000
370	200-624	Education of All Handicapped Children	\$	1,364,246	\$	1,410,908
371	200-631	EEO Title IV	\$	1,155,361	\$	1,213,894
374	200-647	E.S.E.A. Consolidated	\$	110,094	\$	110,094
378	200-660	Math/Science Technology Investments	\$	12,696,055	\$	13,036,530
TOTAL FED Federal Special Revenue Fund Group			\$	1,053,439,891	\$	1,087,241,044
State Special Revenue Fund Group						
4R7	200-695	Indirect Cost Recovery	\$	3,942,779	\$	4,168,947
4V7	200-633	Interagency Vocational Support	\$	695,197	\$	731,674
053	200-900	School District Property Tax Replacement	\$	102,000,000	\$	115,911,593
454	200-610	Guidance and Testing	\$	940,636	\$	956,761
455	200-608	Commodity Foods	\$	10,000,000	\$	11,000,000
598	200-659	Auxiliary Services Mobile Units	\$	1,328,910	\$	1,328,910
620	200-615	Educational Grants	\$	1,525,000	\$	1,525,000
TOTAL SSR State Special Revenue Fund Group			\$	120,432,522	\$	135,622,885
Lottery Profits Education Fund Group						
017	200-612	Base Cost Funding	\$	604,000,000	\$	596,000,000
017	200-682	Lease Rental Payment Reimbursement	\$	29,722,100	\$	25,722,600
TOTAL LPE Lottery Profits Education Fund Group			\$	633,722,100	\$	621,722,600
TOTAL ALL BUDGET FUND GROUPS			\$	8,631,910,625	\$	9,046,843,153

SECTION 44.01. MAINTENANCE AND EQUIPMENT

Of the foregoing appropriation item 200-320, Maintenance and Equipment, up to \$25,000 may be expended in each year of the biennium for State Board of Education out-of-state travel.

SECTION 44.02. HEAD START

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 (CDFD). Up to \$1,530,000 in fiscal year 2002 and up to \$1,560,600 in fiscal year 2003 may be used for the services of literacy specialist and training in early literacy for Head Start classroom teachers and administrators to support the OhioReads Initiative.

(B) The department shall provide an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, the State Board of Education, Head Start grantees, and other interested parties. The report shall include the following:

- (1) The number and per cent of eligible children by county and by grantee;
- (2) The amount of state funds received for continuation per grantee;

(3) A summary of program performance on the state critical performance indicators;

(4) A summary of developmental progress of children participating in the state-funded Head Start program;

(5) Any other data reflecting the performance of Head Start that the department considers pertinent.

(C) For purposes of this section, "eligible child" means a child who is at least three years of age and not of compulsory school age whose family earns no more than 100 per cent of the federal poverty level, except as otherwise provided in this division.

The Department of Education, in consultation with Head Start grantees or their designated representatives, shall establish criteria under which individual Head Start grantees may apply to the department for a waiver to include as "eligible children" those children from families earning up to 185 per cent of the federal poverty level when the children otherwise qualify as "eligible children" under this division.

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 professional development and enhanced compensation in order to meet the requirements of section 3301.311 of the Revised Code; (3) meeting the documentation and reporting requirements and for technical support in accordance with division (F) of this section; and (4) expansion, improvement, or special projects to promote excellence and innovation.

(E) Costs for developing and administering a Head Start program may not exceed fifteen per cent of the total approved costs of the program.

All recipients of funds shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained therefrom, shall be under the authority of the approved recipient for purposes provided in the program. The approved recipient shall administer and use such property and funds for the purposes specified.

Each recipient shall furnish the department an annual audit that includes the review of state funds received under this section.

In conjunction with the required audit of federal Head Start funds, the independent auditor shall examine state Head Start funds in accordance with the federal regulations and agreed-upon state procedures formulated by the department.

(F) The department shall prescribe target levels for critical performance indicators for the purpose of assessing Head Start programs. On-site reviews and follow-up visits shall be based on grantee progress in meeting the prescribed target levels.

The Department of Education, in consultation with the interested parties, including the state Department of Job and Family Services, shall develop the criteria to be used by Head Start grantees and delegate agencies with developing partnership agreements.

The department may audit a Head Start agency's financial and program records. Head Start agencies that have financial practices not in accordance with standard accounting principles, that fail to substantially meet the Head Start performance standards, or that exhibit below-average performance shall be subject to an on-site review.

The department shall require corrective plans of action for programs not achieving target levels or financial and program standards. Action plans shall include activities to be conducted by the grantee and timelines for

activities to be completed and timelines for additional data submission to the department demonstrating targets have been met. The Policy Council chairperson and the appropriate grantee board official shall sign the corrective plans of action.

Head Start programs not meeting performance targets in accordance with the plan of action and prescribed timelines may have their funding reduced until targets are met, or have all state funds withdrawn.

The department shall require school districts to collect "preschool" information by program type. All data shall be reported via the Education Management Information System (EMIS).

(G) The department shall develop prekindergarten reading and mathematics content standards and model curricula. These standards and curricula shall be made available to grantees. Head Start grantees delegate agencies, and child care partners shall document child progress, using a common instrument prescribed by the department, and report results annually. The department shall determine the dates for documenting and reporting.

(H) New agencies may be designated for state Head Start funding if a Head Start agency voluntarily waives its right for funding or is de-funded based on performance. In either event, the grantee and delegate shall transfer control of title to property, equipment, and remaining supplies obtained through this program to the newly designated grantee and return any unexpended funds to the department along with any reports prescribed by the department.

Section 3313.646 of the Revised Code does not apply to funds distributed under this section.

(I) It is the intent of the General Assembly that appropriations for appropriation items 200-406, Head Start, and 200-408, Public Preschool, be available for transfer between Head Start and public preschool programs so that unallocated funds may be used between the two programs.

(J) The Department of Education shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan, and is responsible for payment of any adverse audit finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity concerning these funds. Having met all of the above requirements, the Department shall have the authority to administer these funds in accordance with its own rules and guidelines, including grant administration procedures.

SECTION 44.03. PUBLIC PRESCHOOL

The Department of Education shall distribute the foregoing appropriation item 200-408, Public Preschool, to pay the costs of comprehensive preschool programs. As used in this section, "school district" means a city, local, exempted village, or joint vocational school district, or an educational service center.

(A) In fiscal years 2002 and 2003, up to two per cent of the total 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 conjunction with the Community Development Finance Fund (CDFF).

(B) The department shall provide an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, the State Board of Education, Head Start grantees, and other interested parties. The report shall include:

(1) The number and per cent of eligible children by county and by school district;

(2) The amount of state funds requested for continuation per school district;

(3) The amount of state funds received for continuation per school district;

(4) A summary of program performance on the state critical performance indicators in the public preschool program;

(5) A summary of developmental progress of children participating in the state-funded public preschool program;

(6) Any other data reflecting the performance of public preschool programs that the department considers pertinent.

(C) For purposes of this section, "eligible child" means a child who is at least three years of age whose family earns no more than 185 per cent of the federal poverty level.

The Department of Education, in consultation with the Department of Job and Family Services, interested parties, and Head Start agencies shall formulate a method for determining an estimate of the number of eligible children and the percentage served by grantees in each county.

(D) After setting aside amounts to make any payments due from the prior fiscal year, in fiscal years 2002 and 2003, funds shall first be distributed to recipients of funds during the preceding fiscal year. Awards under this division may be reduced by the amount received in that fiscal

year for one-time start-up costs and may be adjusted for actual months of program operation or enrollment as reported during the first full week of December, and may be increased by a reasonable percentage to be determined by the Department of Education. The department may redistribute dollars to programs demonstrating an unmet need based on updated assessments of family needs and community resources, with special attention to the projected impact of welfare reform. In fiscal years 2002 and 2003, the department may authorize recipients to carry over funds to the subsequent fiscal year.

The department may reallocate unobligated or unspent money to participating school districts for purposes of program expansion, improvement, or special projects to promote excellence and innovation.

(E) Costs for developing and administering a preschool program may not exceed fifteen per cent of the total approved costs of the program.

All recipients of funds shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained therefrom, shall be under the authority of the approved recipient for purposes provided in the program. The approved recipient shall administer and use such property and funds for the purposes specified.

(F) The department shall prescribe target levels for critical performance indicators for the purpose of assessing public preschool programs. On-site reviews and follow-up visits shall be based on progress in meeting the prescribed target levels.

The department may audit a school district's preschool financial and program records. School districts that have financial practices not in accordance with standard accounting principles, that operate preschool programs that fail to substantially meet the Head Start performance standards, or that exhibit below-average performance shall be subject to an on-site review.

The department shall require corrective plans of action for programs not achieving target levels or financial and program standards. Action plans shall include activities to be conducted by the grantee and timelines for activities to be completed and timelines for additional data submission to the department demonstrating that targets have been met. The appropriate school board official shall sign the corrective plans of action.

Public preschool programs not meeting performance targets in accordance with the plan of action and prescribed timelines may have their continuation funding reduced, be disqualified for expansion consideration

until targets are met, or have all state funds withdrawn and a new program established.

(G) The department shall require public preschool programs to document child progress, using a common instrument prescribed by the department, and report results annually. The department shall determine the dates for documenting and reporting.

The State Board of Education shall adopt rules addressing the use of screening and assessment data, including, but not limited to, all of the following:

- (1) Protection of the identity of individual children through assignment of a unique but not personally identifiable code;
- (2) Parents' rights;
- (3) Use of the data by school personnel as it relates to kindergarten entrance.

(H) Each school district shall develop a sliding fee scale based on family incomes in the district and shall charge families who earn more than the federal poverty level for preschool.

(I) It is the intent of the General Assembly that appropriations for appropriation items 200-406, Head Start, and 200-408, Public Preschool, be available for transfer between Head Start and Public Preschool programs so that unallocated funds may be used between the two programs.

SECTION 44.04. PROFESSIONAL DEVELOPMENT

Of the foregoing appropriation item 200-410, Professional Development, \$5,997,829 in each fiscal year shall be used by the Department of Education to develop a statewide comprehensive system of twelve professional development centers that support local educators' ability to foster academic achievement in the students they serve. The centers shall include training teachers on site-based management concepts to encourage teachers to become involved in the management of their schools.

Of the foregoing appropriation item 200-410, Professional Development, \$5,845,000 in fiscal year 2002 and \$6,000,000 in fiscal year 2003 shall be used by the Department of Education to pay the application fee for teachers from public and chartered nonpublic schools applying to the National Board for Professional Teaching Standards for professional teaching certificates or licenses that the board offers, and to provide grants in each fiscal year to recognize and reward teachers who become certified by the board pursuant to section 3319.55 of the Revised Code, and up to \$300,000 in each fiscal year of this set-aside may be used to pay for costs associated with activities to support candidates through the application and

certification process.

These moneys shall be used to pay for the first 900 applications in fiscal year 2002 and up to the first 550 applications in fiscal year 2003 received by the department. Each prospective applicant for certification or licensure shall submit an application to the Department of Education. When the department has collected a group of applications, but not later than 30 days after receipt of the first application in a group, it shall send the applications to the National Board for Professional Teaching Standards along with a check to cover the cost of the application fee for all applicants in that group.

Of the foregoing appropriation item 200-410, Professional Development, up to \$8,296,000 in fiscal year 2002 and up to \$19,387,750 in fiscal year 2003 shall be allocated for entry year programs. These funds shall be used to support mentoring services of beginning teachers, including chartered nonpublic beginning teachers. In fiscal year 2002, the Department of Education shall select eligible beginning teachers to participate in a year-long entry year program that provides mentoring by experienced school and university faculty and Praxis III teacher performance assessment. In fiscal year 2003, the program shall also include the assessment of all beginning teachers with the Education Testing Service's Praxis III examination.

Of the foregoing appropriation item 200-410, Professional Development, up to \$650,000 in each fiscal year shall be used to continue Ohio leadership academies to develop and train superintendents in new leadership and management practices to support high performance schools. This training shall be coordinated with other locally administered leadership programs.

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

There is hereby created the Alternative Education Advisory Council, which shall consist of one representative from each of the following agencies: the Ohio Department of Education; the Department of Youth Services; the Ohio Department of Alcohol and Drug Addiction Services; the Department of Mental Health; the Office of the Governor or, at the Governor's discretion, the Office of the Lieutenant Governor; and the Office of the Attorney General.

Of the foregoing appropriation item 200-421, Alternative Education Programs, not less than \$8,253,031 in each fiscal year shall be used for the renewal of successful implementation grants and for competitive matching grants to the 21 urban school districts as defined in division (O) of section 3317.02 of the Revised Code as it existed prior to July 1, 1998, and not less than \$8,163,031 in each fiscal year shall be used for the renewal of successful implementation of grants and for competitive matching grants to rural and suburban school districts for alternative educational programs for existing and new at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are habitually truant or disruptive, or those on probation or on parole from a Department of Youth Services facility. Grants shall be awarded according to the criteria established by the Alternative Education Advisory Council in 1999. Grants shall be awarded only to programs where the grant would not serve as the program's primary source of funding. These grants shall be administered by the Department of Education.

The Department of Education may waive compliance with any minimum education standard established under section 3301.07 of the Revised Code for any alternative school that receives a grant under this section on the grounds that the waiver will enable the program to more effectively educate students enrolled in the alternative school.

Of the foregoing appropriation item 200-421, Alternative Education Programs, up to \$480,552 in each fiscal year may be used for program administration, monitoring, technical assistance, support, research, and evaluation. Any unexpended balance may be used to provide additional matching grants to urban, suburban, or rural school districts as outlined above.

Of the foregoing appropriation item 200-421, Alternative Education

Programs, \$313,386 in each fiscal year shall be used to contract with the Center for Learning Excellence at The Ohio State University to provide technical support for the project and the completion of formative and summative evaluation of the grants.

Of the foregoing appropriation item 200-421, Alternative Education Programs, up to \$700,000 in each fiscal year shall be used to support Amer-I-Can. Of this set aside, no funds shall be disbursed without approval of the Controlling Board. Amer-I-Can programs shall submit to the Controlling Board a biennial spending plan that delineates how these funds will be spent. Amer-I-can programs also shall demonstrate to the Controlling Board that they have hired an independent evaluator and have selected valid and reliable instruments to assess pre and post changes in student behavior.

Of the foregoing appropriation item 200-421, Alternative Education Programs, \$75,000 in each fiscal year shall be used to support the Turning Point Applied Learning Center.

Of the foregoing appropriation item 200-421, Alternative Education Programs, \$15,000 in each fiscal year shall be used to support the Bucyrus After School Enrichment Program.

SCHOOL MANAGEMENT ASSISTANCE

Of the foregoing appropriation item 200-422, School Management Assistance, \$700,000 in fiscal year 2002 and \$400,000 in fiscal year 2003 shall be used by the Auditor of State for expenses incurred in the Auditor of State's role relating to fiscal caution activities as defined in Chapter 3316. of the Revised Code. Expenses include duties related to the completion of performance audits for school districts that the Superintendent of Public Instruction determines are employing fiscal practices or experiencing budgetary conditions that could produce a state of fiscal watch or fiscal emergency.

The remainder of foregoing appropriation item 200-422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal watch and fiscal emergency provisions under Chapter 3316. of the Revised Code.

POLICY ANALYSIS

The foregoing appropriation item 200-424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the

development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. The database shall be kept current at all times. These research efforts shall be used to supply information and analysis of data to the General Assembly and other state policymakers, including the Office of Budget and Management and the Legislative Service Commission.

The Department of Education may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers.

TECH PREP ADMINISTRATION

The foregoing appropriation item 200-425, Tech Prep Administration, shall be used by the Department of Education to support state-level activities designed to support, promote, and expand tech prep programs. Use of these funds shall include, but not be limited to, administration of grants, program evaluation, professional development, curriculum development, assessment development, program promotion, communications, and statewide coordination of tech prep consortia.

OHIO EDUCATIONAL COMPUTER NETWORK

The foregoing appropriation item 200-426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system in support of the State Education Technology Plan pursuant to section 3301.07 of the Revised Code.

Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to \$20,571,198 in fiscal year 2002 and up to \$21,188,334 in fiscal year 2003 shall be used by the Department of Education to support connection of all public school buildings to the state's education network, to each other, and to the Internet. In each fiscal year the Department of Education shall use these funds to help reimburse data acquisition sites or school districts for the operational costs associated with this connectivity. The Department of Education shall develop a formula and guidelines for the distribution of these funds to the data acquisition sites or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, or any community school established under

Chapter 3314. of the Revised Code, or any educational service center building used for instructional purposes.

Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to \$2,043,938 in fiscal year 2002 and up to \$2,095,037 in fiscal year 2003 shall be used for the Union Catalog and InfOhio Network.

The Department of Education shall use up to \$4,590,000 in fiscal year 2002 and up to \$4,727,700 in fiscal year 2003 to assist designated data acquisition sites with operational costs associated with the increased use of the state's education network by chartered nonpublic schools. The Department of Education shall develop a formula and guidelines for distribution of these funds to designated data acquisition sites.

The remainder in each fiscal year of appropriation item 200-426, Ohio Educational Computer Network, shall be used to support development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems. The technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. Program funds may be used, through a formula and guidelines devised by the department, to subsidize the activities of not more than 24 designated data acquisition sites, as defined by State Board of Education rules, to provide school districts and chartered nonpublic schools with computer-based student and teacher instructional and administrative information services, including approved computerized financial accounting, and to ensure the effective operation of local automated administrative and instructional systems. To broaden the scope of the use of technology for education, the department may use up to \$250,000 in each fiscal year to coordinate the activities of the computer network with other agencies funded by the department or the state. In order to improve the efficiency of network activities, the department and data acquisition sites may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the department, may utilize the services of appropriate state purchasing agencies.

ACADEMIC STANDARDS

The foregoing appropriation item 200-427, Academic Standards, shall be used by the Department of Education to develop and disseminate academic content standards. These funds shall be used to develop academic content standards and curriculum models and to fund communication of expectations to teachers, school districts, parents, and communities.

SECTION 44.06. SCHOOL IMPROVEMENT INITIATIVES

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$3,700,000 in fiscal year 2002 shall be used to continue previously awarded venture capital grants of \$25,000 to 148 schools and up to \$975,000 in fiscal year 2003 shall be used to continue previously awarded venture capital grants of \$25,000 to 39 schools.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$4,500,000 in fiscal year 2002 and \$5,000,000 in fiscal year 2003 shall be used for the development and distribution of school report cards pursuant to section 3302.03 of the Revised Code, for the development of core competencies for the proficiency tests, and to support the recommendations of the Governor's Commission for Student Success.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$7,500,000 in fiscal year 2002 and \$8,500,000 in fiscal year 2003 shall be used to provide technical assistance to school districts that are declared to be in a state of academic watch or academic emergency under section 3302.03 of the Revised Code to develop their continuous improvement plans as required in section 3302.04 of the Revised Code.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$150,000 in each fiscal year shall be used to support a teacher-in-residence at the Governor's office and related support staff, travel expenses, and administrative overhead.

SCHOOL CONFLICT MANAGEMENT

Of the foregoing appropriation item 200-432, School Conflict Management, amounts shall be used by the Department of Education for the purpose of providing dispute resolution and conflict management training, consultation, and materials for school districts, and for the purpose of providing competitive school conflict management grants to school districts.

The Department of Education shall assist the Commission on Dispute Resolution and Conflict Management in the development and dissemination of the school conflict management program. The assistance provided by the Department of Education shall include the assignment of a full-time employee of the department to the Commission on Dispute Resolution and Conflict Management to provide technical and administrative support to maximize the quality of dispute resolution and conflict management programs and services provided to school districts.

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, and report results from the tests required under sections 3301.0710 and 3301.0711 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code.

SAFE SCHOOLS

Of the foregoing appropriation item 200-438, Safe Schools, \$230,000 in each fiscal year shall be used for the development and operation of a Safe Schools Center. The Department of Education shall oversee the creation of a center to serve as a coordinating entity to assist school district personnel, parents, juvenile justice representatives, and law enforcement in identifying effective strategies and services for improving school safety and reducing threats to the security of students and school personnel.

Of the foregoing appropriation item 200-438, Safe Schools, up to \$1,800,000 in each fiscal year shall be used for a safe-school help line

program for students, parents, and the community to report threats to the safety of students or school personnel. The Department of Education shall establish criteria to distribute these funds to school districts whose superintendents indicate the program would be a meaningful aid to school security.

Of the foregoing appropriation item 200-438, Safe Schools, up to \$20,000 in each fiscal year may be used by schools for the Eddie Eagle Gun Safety Pilot Program. School districts wishing to participate in the pilot program shall apply to the Department of Education under guidelines established by the Superintendent of Public Instruction.

AMERICAN SIGN LANGUAGE

Of the foregoing appropriation item 200-441, American Sign Language, up to \$153,000 in fiscal year 2002 and up to \$156,060 in fiscal year 2003 shall be used to implement pilot projects for the integration of American Sign Language deaf language into the kindergarten through twelfth-grade curriculum.

The remainder of the appropriation shall be used by the Department of Education to provide supervision and consultation to school districts in dealing with parents of handicapped children who are deaf or hard of hearing, in integrating American Sign Language as a foreign language, and in obtaining interpreters and improving their skills.

CHILD CARE LICENSING

The foregoing appropriation item 200-442, Child Care Licensing, shall be used by the Department of Education to license and to inspect preschool and school-age child care programs in accordance with sections 3301.52 to 3301.59 of the Revised Code.

PROFESSIONAL RECRUITMENT

Of the foregoing appropriation item 200-444, Professional Recruitment, \$1,300,000 in each fiscal year shall be used by the Department of Education to establish programs targeted at recruiting underrepresented populations into the teaching profession. In each year, the recruitment programs shall include, but not be limited to, alternative teacher licensure or certification programs emphasizing the recruitment of highly qualified minority candidates into teaching, including emphasizing the recruitment of highly qualified minority candidates into teaching positions in schools that have a high percentage of minority students. The recruitment programs also shall target recruiting qualified candidates available as a result of downsizing of the military and business sectors. Funding also shall be targeted to statewide, regional, and local programs that are competitively selected as promising programs demonstrating the potential of significantly increasing

Ohio's minority teaching force.

The remainder of appropriation item 200-444 shall be used by the Department of Education for recruitment programs targeting special needs areas: recruiting prospective mathematics and science teachers, recruiting special educators, recruiting principals, developing a web-based placement bureau, establishing a pre-collegiate program to target future teachers, and piloting paraeducators-to-teacher programs.

OHIOREADS ADMIN/VOLUNTEER SUPPORT

The foregoing appropriation item 200-445, OhioReads Admin/Volunteer Support, may be allocated by the OhioReads Council for volunteer coordinators in public school buildings, to educational service centers for costs associated with volunteer coordination, for background checks for volunteers, to evaluate the OhioReads Program, and for operating expenses associated with administering the program.

SECTION 44.07. EDUCATION MANAGEMENT INFORMATION SYSTEM

The foregoing appropriation item 200-446, Education Management Information System, shall be used by the Department of Education to provide school districts with the means to implement local automated information systems and to implement, develop, and improve the Education Management Information System (EMIS) for the common student information management software developed by the Department of Education.

Of the foregoing appropriation item 200-446, Education Management Information System, up to \$1,000,000 in each fiscal year may be used by the Department of Education to assist designated data acquisition sites or school districts with deployment and implementation of the common student management record system software, and for hardware, personnel, equipment, staff development, software, and forms modification, as well as to support EMIS special report activities in the department.

Of the foregoing appropriation item 200-446, Education Management Information System, up to \$2,213,639 in fiscal year 2002 and up to \$1,476,760 in fiscal year 2003 shall be distributed to designated data acquisition sites for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services, and to provide services to participate in the State Education Technology Plan pursuant to section 3301.07 of the Revised Code.

Of the foregoing appropriation item 200-446, Education Management Information System, up to \$7,763,297 in fiscal year 2002 and up to \$8,999,708 in fiscal year 2003 shall be distributed to school districts, community schools established under Chapter 3314. of the Revised Code, education service centers, and joint vocational school districts on a per-pupil basis. From this funding, each school district or community school established under Chapter 3314. of the Revised Code with enrollment greater than 100 students and each vocational school district shall receive a minimum of \$5,000 for each year of the biennium. Each school district or community school established under Chapter 3314. of the Revised Code with enrollment between one and one hundred and each education service center and each county board of MR/DD that submits data through EMIS shall receive \$3,000 for each year of the biennium. This money shall be used for costs associated with the development and operation of local automated record-based information systems that provide data as required by the education management information system, and facilitate local district, school, and classroom management activities.

GED TESTING/ADULT HIGH SCHOOL

The foregoing appropriation item 200-447, GED Testing/Adult High School, shall be used to provide General Educational Development (GED) testing at no cost to applicants, pursuant to rules adopted by the State Board of Education. The Department of Education shall reimburse school districts and community schools, created in accordance with Chapter 3314. of the Revised Code, for a portion of the costs incurred in providing summer instructional or intervention services to students who have not graduated due to their inability to pass one or more parts of the state's ninth grade proficiency test. School districts shall also provide such services to students who are residents of the district pursuant to section 3313.64 of the Revised Code, but who are enrolled in chartered, nonpublic schools. The services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off the nonpublic school premises. No school district shall provide summer instructional or intervention 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

Of the foregoing appropriation item 200-455, Community Schools, up to \$100,000 in each fiscal year may be used by the Lucas County Educational Service Center to pay for additional services provided to community schools, subject to the reporting by the service center of actual expenses incurred to the Department of Education. Up to \$1,628,935 in fiscal year 2002 and up to \$1,724,517 in fiscal year 2003 may be used by the Office of School Options in the Department of Education for additional services and responsibilities under section 3314.11 of the Revised Code.

The remaining appropriation may be used by the Department of Education and the Lucas County Educational Service Center to make grants of up to \$50,000 to each proposing group with a preliminary agreement obtained under division (C)(2) of section 3314.02 of the Revised Code in order to defray planning and initial start-up costs. In the first year of operation of a community school, the Department of Education and the Lucas County Educational Service Center may make a grant of no more than \$100,000 to the governing authority of the school to partially defray additional start-up costs. The amount of the grant shall be based on a thorough examination of the needs of the community school. The Department of Education and the Lucas County Educational Service Center shall not utilize moneys received under this section for any other purpose other than those specified under this section. The department shall allocate an amount to the Lucas County Educational Service Center for grants to schools in the Lucas County area under this paragraph.

A community school awarded start-up grants from appropriation item 200-613, Public Charter Schools (Fund 3T4), shall not be eligible for grants under this section.

SECTION 44.08. SCHOOL FINANCE EQUITY

The foregoing appropriation item 200-500, School Finance Equity, shall be distributed to school districts based on the formula specified in section 3317.0213 of the Revised Code.

SECTION 44.09. BASE COST FUNDING

The foregoing appropriation item 200-501, Base Cost Funding, includes \$91,488,407 in fiscal year 2003 for the state education aid offset due to the change in public utility valuation as a result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd General Assembly. This amount represents the total state education aid offset due to the valuation change for school districts and joint vocational school districts from all relevant line item sources. If it is determined that the state education aid offset is more than \$91,488,407, the Controlling Board may increase the appropriation for item 200-501, Base Cost Funding, by the difference amount if presented with such a request from the Department of Education. The appropriation increase, if any, is hereby appropriated. If it is determined that the state education aid offset is less than \$91,488,407, the Director of Budget and Management shall then reduce the appropriation for item 200-501, Base Cost Funding, by the difference amount and notify the Controlling Board of this action. The appropriation decrease determined by the Director of Budget and Management, if any, is hereby approved, and appropriations are hereby reduced by the amount determined.

Of the foregoing appropriation item 200-501, Base Cost Funding, up to \$425,000 shall be expended in each year of the biennium for court payments pursuant to section 2151.357 of the Revised Code; an amount shall be available each year of the biennium for the cost of the reappraisal guarantee pursuant to section 3317.04 of the Revised Code; an amount shall be available in each year of the biennium to fund up to 225 full-time equivalent approved GRADS teacher grants pursuant to division (R) of section 3317.024 of the Revised Code; an amount shall be available in each year of the biennium to make payments to school districts pursuant to division (A)(2) of section 3317.022 of the Revised Code; an amount shall be available in fiscal year 2003 to make payments to school districts pursuant to division (F) of section 3317.022 of the Revised Code; an amount shall be available in fiscal year 2002 to make payments to school districts pursuant to division (C) of section 3317.0212 of the Revised Code; and up to \$15,000,000 in each year of the biennium shall be reserved for payments pursuant to sections 3317.026, 3317.027, and 3317.028 of the Revised Code except that the Controlling Board may increase the \$15,000,000 amount if presented with such a request from the Department of Education. Of the foregoing appropriation item 200-501, Base Cost Funding, up to \$15,000,000 in each fiscal year shall be used to provide additional state aid to school districts for special education students pursuant to division (C)(3)

of section 3317.022 of the Revised Code; up to \$2,000,000 in each year of the biennium shall be reserved for Youth Services tuition payments pursuant to section 3317.024 of the Revised Code; and up to \$52,000,000 in each fiscal year shall be reserved to fund the state reimbursement of educational service centers pursuant to section 3317.11 of the Revised Code.

Of the foregoing appropriation item 200-501, Base Cost Funding, up to \$1,000,000 in each fiscal year shall be used by the Department of Education for a pilot program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section titled "Private Treatment Facility Pilot Project."

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 the State Literacy Resource Center.

The remainder shall be used to continue to satisfy the state match and maintenance of effort requirements for the support and operation of the Department of Education-administered instructional grant program for adult basic and literacy education in accordance with the department's state plan for adult basic and literacy education as approved by the State Board of Education and the Secretary of the United States Department of Education.

AUXILIARY SERVICES

The foregoing appropriation item 200-511, Auxiliary Services, shall be used by the State Board of Education for the purpose of implementing section 3317.06 of the Revised Code. Of the appropriation, up to \$1,250,000 in fiscal year 2002 and up to \$1,500,000 in fiscal year 2003 may be used for payment of the Post-Secondary Enrollment Options Program for nonpublic students pursuant to section 3365.10 of the Revised Code.

STUDENT INTERVENTION SERVICES

The foregoing appropriation item 200-513, Student Intervention Services, shall be used to assist districts providing the intervention services specified in section 3313.608 of the Revised Code. The Department of Education shall establish guidelines for the use and distribution of these moneys. School districts receiving funds from this appropriation shall report to the Department of Education on how funds were used.

No later than July 15, 2002, the Director of Budget and Management shall transfer \$35,000,000 from Fund 3W6, TANF Education, to the General Revenue Fund. The transferred funds are appropriated for the appropriation item 200-513, Student Intervention Services. The foregoing appropriation item 200-513, Student Intervention Services, includes transferred funds of \$35,000,000 in fiscal year 2003.

The Department of Education shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan, and is responsible for payment of any adverse audit finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity concerning these funds.

POST-SECONDARY/ADULT CAREER-TECHNICAL EDUCATION

The foregoing appropriation item 200-514, Post-Secondary/Adult Career-Technical Education, shall be used by the State Board of Education to provide post-secondary/adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code.

Of the foregoing appropriation item 200-514, Post-Secondary/Adult Career-Technical Education, up to \$500,000 in each fiscal year shall be allocated for the Ohio Career Information System (OCIS) and used for the dissemination of career information data to public schools, libraries, rehabilitation centers, two- and four-year colleges and universities, and other governmental units.

Of the foregoing appropriation item 200-514, Post-Secondary/Adult Career-Technical Education, up to \$40,000 in each fiscal year shall be used for the statewide coordination of the activities of the Ohio Young Farmers.

DISADVANTAGED PUPIL IMPACT AID

The foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, shall be distributed to school districts according to section 3317.029 of the Revised Code. However, no money shall be distributed for all-day kindergarten to any school district whose three-year average formula ADM exceeds 17,500 but whose DPIA index is not at least equal to 1.00 in each fiscal year, unless the Department of Education certifies that sufficient funds exist in this appropriation to make all other payments required by section 3317.029 of the Revised Code.

The Department of Education shall pay all-day, everyday kindergarten funding to all school districts in fiscal year 2002 and fiscal year 2003 that qualified for and provided the service in a preceding fiscal year pursuant to section 3317.029 of the Revised Code, regardless of changes to such districts' DPIA indexes in fiscal year 2002 and fiscal year 2003.

The Department of Education shall pay to community schools an amount for all-day kindergarten if the school district in which the student is entitled to attend school is eligible but does not receive a payment for all-day kindergarten, pursuant to division (B) of section 3314.13 of the Revised Code, and the student is reported by the community school as enrolled in all-day kindergarten at the community school.

Of the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, up to \$3,200,000 in fiscal year 2002 and up to \$3,300,000 in fiscal year 2003 shall be used for school breakfast programs. Of these amounts, up to \$500,000 shall be used each year by the Department of Education to provide start-up grants to rural school districts and to school districts with less than 1,500 ADM that start school breakfast programs. The remainder of the appropriation shall be used to: (1) partially reimburse school buildings within school districts that are required to have a school breakfast program pursuant to section 3313.813 of the Revised Code, at a rate decided by the department, for each breakfast served to any pupil enrolled in the district; (2) partially reimburse districts participating in the National School Lunch Program that have at least 20 per cent of students who are eligible for free and reduced meals according to federal standards, at a rate decided by the department; and (3) to partially reimburse districts participating in the National School Lunch Program for breakfast served to children eligible for free and reduced meals enrolled in the district, at a rate decided by the department.

Of the portion of the funds distributed to the Cleveland City School District under section 3317.029 of the Revised Code calculated under division (F)(2) of that section, up to \$14,903,943 in fiscal year 2002 and up to \$18,066,820 in fiscal year 2003 shall be used to operate the pilot school choice program in the Cleveland City School District pursuant to sections 3313.974 to 3313.979 of the Revised Code.

Of the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, \$1,000,000 in each fiscal year shall be used to support dropout recovery programs administered by the Department of Education, Jobs for Ohio's Graduates Program.

SECTION 44.13. GIFTED PUPIL PROGRAM

The foregoing appropriation item 200-521, Gifted Pupil Program, shall be used for gifted education units not to exceed 1,050 in fiscal year 2002 and 1,100 in fiscal year 2003 pursuant to division (P) of section 3317.024 and division (F) of section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200-521, Gifted Pupil Program, up to \$5,000,000 in each fiscal year of the biennium may be used as an additional supplement for identifying gifted students pursuant to Chapter 3324. of the Revised Code.

Of the foregoing appropriation item 200-521, Gifted Pupil Program, the Department of Education may expend up to \$1,000,000 each year for the Summer Honors Institute for gifted freshman and sophomore high school

students. Up to \$600,000 in each fiscal year shall be used for research and demonstration projects. The Department of Education shall research and evaluate the effectiveness of gifted education programs in Ohio. Up to \$70,000 in each year shall be used for the Ohio Summer School for the Gifted (Martin Essex Program).

SECTION 44.14. PARITY AID

The foregoing appropriation item 200-525, Parity Aid, shall be distributed to school districts based on the formulas specified in section 3317.0217 of the Revised Code.

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT

The foregoing appropriation item 200-532, Nonpublic Administrative Cost Reimbursement, shall be used by the State Board of Education for the purpose of implementing section 3317.063 of the Revised Code.

DESEGREGATION COSTS

The foregoing appropriation item 200-534, Desegregation Costs, shall be used to pay the legal fees associated with desegregation cases brought against the state.

As part of managing state desegregation costs, any board of education of a school district subject to a federal court desegregation order that requires the district board to bus students for the purpose of racial balance shall, within one year after the effective date of this section:

(1) Update its plan required under Am. Sub. H.B. 298 of the 119th General Assembly designed to satisfy the court so as to obtain release from the court's desegregation order; and

(2) Submit an updated copy of the plan to the State Board of Education. Upon request of the district board, the State Board shall provide technical assistance to the school district board in developing a plan.

Within ninety days after the date on which the plan is submitted to the State Board of Education, the district board, or the district board and the State Board of Education jointly if both are parties to the desegregation case, shall submit the plan to the court and apply for release from the court's desegregation order.

SECTION 44.15. SPECIAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$45,295,000 in fiscal year 2002 and up to \$47,809,750 in fiscal year 2003 shall be used to fund special education and related services at county boards of mental retardation and developmental

bilities for eligible students under section 3317.20 of the Revised Code. Up to \$2,500,000 shall be used in each fiscal year to fund up to 57 special education classroom and related services units at institutions.

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$3,293,959 in fiscal year 2002 and up to \$3,425,717 in fiscal year 2003 shall be used for home instruction for handicapped children; up to \$1,500,000 in each fiscal year shall be used for parent mentoring programs; and up to \$2,744,966 in fiscal year 2002 and up to \$2,854,764 in fiscal year 2003 may be used for school psychology interns.

Of the foregoing appropriation item 200-540, Special Education Enhancements, \$3,852,160 in fiscal year 2002 and up to \$4,006,246 in fiscal year 2003 shall be used by the Department of Education to assist school districts in funding aides pursuant to paragraph (A)(3)(c)(i)(b) of rule 3301-51-04 of the Administrative Code.

Of the foregoing appropriation item 200-540, Special Education Enhancements, \$78,623,506 in each fiscal year shall be distributed by the Department of Education to county boards of mental retardation and developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units in accordance with section 3317.161 of the Revised Code. The department may reimburse county boards of mental retardation and developmental disabilities, educational service centers, and school districts for related services as defined in rule 3301-31-05 of the Administrative Code, for preschool occupational and physical therapy services provided by a physical therapy assistant and certified occupational therapy assistant, and for an instructional assistant. To the greatest extent possible, the Department of Education shall allocate these units to school districts and educational service centers. The Controlling Board may approve the transfer of unallocated funds from appropriation item 200-501, Base Cost Funding, to appropriation item 200-540, Special Education Enhancements, to fully fund existing units as necessary or to fully fund additional units. The Controlling Board may approve the transfer of unallocated funds from appropriation item 200-540, Special Education Enhancements, to appropriation item 200-501, Base Cost Funding, to fully fund the special education weight cost funding.

The Department of Education shall require school districts, educational service centers, and county MR/DD boards serving preschool children with disabilities to document child progress using a common instrument prescribed by the department and report results annually. The reporting dates and methodology shall be determined by the department.

The department shall adopt rules addressing the use of screening and assessment data including, but not limited to:

- (1) Protection of the identity of individual children through assignment of a unique, but not personally identifiable, code;
- (2) Parents' rights; and
- (3) Use of the child data by school personnel as it relates to kindergarten entrance.

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$808,081 in fiscal year 2002 and up to \$832,323 in fiscal year 2003 shall be allocated to provide grants to research-based reading mentoring programs for students with disabilities in kindergarten through fourth grade. Priority shall be given to mentoring programs that have been recognized by the Education Commission of the States as promising educational practices for accelerating student achievement, are easily replicated, have strong evaluative components, and have goals aligned to the Ohio Proficiency Test. Priority in awarding grants funding in this program shall be given to existing targeted programs originally funded under Am. Sub. H.B. 282 of the 123rd General Assembly and that are currently being applied in school districts. Grants awarded under this program shall be made in conjunction with the Ohio Coalition for Education of Children with Disabilities. Programs may be implemented at times deemed most appropriate. Certified staff shall administer these programs and testing of participants shall be required prior to, during, and after participation in these programs. The results of the tests shall be reported to the Governor, Superintendent of Public Instruction, and General Assembly.

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$86,000 in each fiscal year shall be used to conduct a collaborative pilot program to provide educational services and develop best educational practices for autistic children. The pilot program shall include, but not be limited to, the involvement of the Wood County Board of Mental Retardation and Developmental Disabilities, Wood County Educational Services Center, Children's Resource Center of Wood County, and the Family and Children First Council of Wood County.

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$303,030 in fiscal year 2002 and up to \$312,121 in fiscal year 2003 shall be expended to conduct a demonstration project involving language and literacy intervention teams supporting student acquisition of language and literacy skills. The demonstration project shall demonstrate improvement of language and literacy skills of at-risk learners under the instruction of certified speech language pathologists and

educators. Baseline data shall be collected and comparison data for fiscal year 2002 and fiscal year 2003 shall be collected and reported to the Governor, OhioReads Council, Department of Education, and the General Assembly.

SECTION 44.16. CAREER-TECHNICAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$2,616,001 in each fiscal year shall be used to fund career-technical education units at institutions. Up to \$4,200,000 in fiscal year 2002 and up to \$4,182,775 in fiscal year 2003 shall be used to fund the Jobs for Ohio Graduates (JOG) program.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$4,182,573 in fiscal year 2002 and up to \$4,432,573 in fiscal year 2003 shall be used by the Department of Education to fund competitive grants to tech prep consortia that expand the number of students enrolled in tech prep programs. These grant funds shall be used to directly support expanded tech prep programs, including equipment, provided to students enrolled in school districts, including joint vocational school districts, and affiliated higher education institutions.

If federal funds for career-technical education cannot be used for local school district leadership without being matched by state funds, then an amount as determined by the Superintendent of Public Instruction shall be made available from state funds appropriated for career-technical education. If any state funds are used for this purpose, federal funds in an equal amount shall be distributed for career-technical education in accordance with authorization of the state plan for vocational education for Ohio as approved by the Secretary of the United States Department of Education.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, \$3,000,000 in fiscal year 2002 and \$3,250,000 in fiscal year 2003 shall be used to provide an amount to each eligible school district for the replacement or updating of equipment essential for the instruction of students in job skills taught as part of a career-technical program or programs approved for such instruction by the State Board of Education. School districts replacing or updating career-technical education equipment may purchase or lease such equipment. The Department of Education shall review and approve all equipment requests and may allot appropriated funds to eligible school districts on the basis of the number of full-time equivalent workforce development teachers in all eligible districts making application for funds.

The State Board of Education may adopt standards of need for equipment allocation. Pursuant to the adoption of any such standards of need by the State Board of Education, appropriated funds may be allotted to eligible districts according to such standards. Equipment funds allotted under either process shall be provided to a school district on a 30, 40, or 50 per cent of cost on the basis of a district career-technical priority index rating developed by the Department of Education for all districts each year. The career-technical priority index shall give preference to districts with a large percentage of disadvantaged students and shall include other socio-economic factors as determined by the State Board of Education.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$3,650,000 in each fiscal year shall be awarded by the Superintendent of Public Instruction to an Ohio nonprofit corporation to support existing High Schools That Work (HSTW) sites, develop new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern vocational and technical studies to raise the academic achievement of students. It provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities. Any grant awarded under this program by the Superintendent of Public Instruction shall require a matching contribution of at least \$1,000,000 from the Ohio nonprofit corporation.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, \$3,750,000 in fiscal year 2002 and \$4,000,000 in fiscal year 2003 shall be used for K-12 career development.

Of the foregoing appropriation item 200-545, Career-Technical Educational Enhancements, \$300,000 in each fiscal year shall be used by the Department of Education to establish the Voc-Ag 5th Quarter Pilot Project. The project shall enable students in agricultural programs to enroll in a fifth quarter of instruction. The fifth quarter concept is based on the long-standing and successful agricultural education model of delivering work-based learning through supervised agricultural experience. The Department of Education shall establish rules governing eligibility criteria and the reporting process for the project that must include the following: (1) a school is required to hire a certified teacher for the fifth quarter, (2) a school must have a curriculum for the fifth quarter that is approved by the Department of Education, (3) students must earn credit for the agricultural experience, (4) the program must be approved by the school district's superintendent, and (5) the program must be in existence on the effective

date of this section. The Department of Education shall fund as many programs as possible given the \$250,000 set aside. The Department of Education shall report students' performance results under the project to the General Assembly not later than December 31, 2002.

SECTION 44.17. CHARGE-OFF SUPPLEMENT

The foregoing appropriation item 200-546, Charge-Off Supplement, shall be used by the Department of Education to make payments pursuant to section 3317.0216 of the Revised Code.

COUNTY MR/DD BOARDS - VEHICLE PURCHASES

The foregoing appropriation item 200-552, County MR/DD Boards Vehicle Purchases, shall be used to provide financial assistance to MR/DD boards for the purchase of vehicles as permitted in section 3317.07 of the Revised Code.

COUNTY MR/DD BOARDS - TRANSPORTATION

The foregoing appropriation item 200-553, County MR/DD Boards Transportation Operating, shall be used to provide financial assistance for transportation operating costs as provided in division (M) of section 3317.024 of the Revised Code.

EMERGENCY LOAN INTEREST SUBSIDY

The foregoing appropriation item 200-558, Emergency Loan Interest Subsidy, shall be used to provide a subsidy to school districts receiving emergency school loans pursuant to section 3313.484 of the Revised Code. The subsidy shall be used to pay these districts the difference between the amount of interest the district is paying on an emergency loan, and the interest that the district would have paid if the interest rate on the loan had been two per cent.

SECTION 44.18. OHIOREADS GRANTS

Of the foregoing appropriation item 200-566, OhioReads Grants, \$19,824,248 in fiscal year 2002 and \$19,814,448 in fiscal year 2003 shall be disbursed by the OhioReads Office in the Department of Education at the direction of the OhioReads Council to provide classroom grants to public schools in city, local, and exempted village school districts; community schools; and educational service centers serving kindergarten through fourth grade students. Of the foregoing appropriation item 200-566, OhioReads Grants, \$2,073,752 in fiscal year 2002 and \$2,083,552 in fiscal year 2003 shall be transferred by the Department of Education to the Department of Aging to be used for the STARS program.

Of the foregoing appropriation item 200-566, OhioReads Grants, \$5,000,000 each year shall be disbursed by the OhioReads Office in the Department of Education at the direction of the OhioReads Council to provide community matching grants to community organizations and associations, libraries, and others for tutoring, tutor recruitment and training, and parental involvement.

Of the foregoing appropriation item 200-566, OhioReads Grants, \$250,000 in each fiscal year shall be allocated to provide grants to research-based reading mentoring programs for students with disabilities in kindergarten through fourth grade. Priority shall be given to mentoring programs that have been recognized by the Education Commission of the States as promising educational practices for accelerating student achievement, are easily replicated, have strong evaluative components, and have goals aligned to the Ohio proficiency tests. Programs may be implemented at times deemed most appropriate but at least one program shall be created for and applied in an urban school district. The awarding of these grants shall be made in conjunction with the Ohio Coalition for Education of Children with Disabilities. Certified staff shall administer these programs and testing of participants shall be required prior to, during, and after participation in these programs. The results of the tests shall be reported to the Governor, Superintendent of Public Instruction, the General Assembly, and the OhioReads Council.

Grants awarded by the OhioReads Council are intended to improve reading outcomes, especially on the fourth grade reading proficiency test.

SCHOOL IMPROVEMENT INCENTIVE GRANTS

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$100,000 in each fiscal year shall be used to support the Bellefaire Jewish Children's Bureau.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$50,000 in each fiscal year shall be used to support the Cleveland School of Art.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$50,000 in each fiscal year shall be used to support the Tuscarawas County Educational Service Center.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$50,000 in each fiscal year shall be used to support LEAF.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$50,000 in each fiscal year shall be used to support the Toledo Tech Academy.

Of the foregoing appropriation item 200-570, School Improvement

Incentive Grants, \$150,000 in fiscal year 2002 and \$300,000 in fiscal year 2003 shall be used to support the COSI Education Project.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$25,000 in each fiscal year shall be used to support the Magellan Program.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$25,000 in each fiscal year shall be used to support I Know I Can Columbus.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$25,000 in each fiscal year shall be used to support the Clarity Program.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$12,500 in each fiscal year shall be used to support the Strongsville Youth Council.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$50,000 in each fiscal year shall be used to support the Lorain County Access Program.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$100,000 in each fiscal year shall be used to support the Summit County Education Initiative.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$80,000 in each fiscal year shall be used to support the Cleveland Language Project.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$25,000 in each fiscal year shall be used to support the Columbus Language Project.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$30,000 in each fiscal year shall be used to support the Cincinnati Language Project.

Of the foregoing appropriation item 200-570, School Improvement Incentive Grants, \$15,000 in each fiscal year shall be used to support the Dayton Language Project.

SUBSTANCE ABUSE PREVENTION

Of the foregoing appropriation item 200-574, Substance Abuse Prevention, up to \$1,660,200 in each fiscal year shall be used for the Safe and Drug Free Schools Coordinators Program. Of the foregoing appropriation item 200-574, Substance Abuse Prevention, up to \$288,000 in each fiscal year of the biennium shall be used for the Substance Abuse Prevention Student Assistance Program. The Department of Education and the Department of Alcohol and Drug Addiction Services shall jointly

develop and approve a plan for the expenditure of these funds including, but not limited to, the development of position descriptions and training specifications for safe and drug free schools coordinators. Safe and drug free schools coordinators shall possess or be in the process of obtaining credentials issued by the Ohio Credentialing Board for Chemical Dependency Professionals or other credentials recognized by that board.

BETHEL SCHOOL CLEANUP

The foregoing appropriation item 200-580, Bethel School Cleanup, shall be used for the Bethel Local School District in Miami County. The moneys shall be used to purchase water for the school and four adjacent households, for expenses incurred by Bethel Local School District for well-monitoring activities and water-system conversions, and for expenses incurred by the Ohio Environmental Protection Agency as the Agency continues to monitor activities associated with the Bethel Local School District water supply.

INFORMATION TECHNOLOGY

Of the foregoing appropriation item 200-606, Information Technology, \$50,000 in fiscal year 2002 shall be used for the Beavercreek City Schools.

AUXILIARY SERVICES MOBILE REPAIR

Notwithstanding section 3317.064 of the Revised Code, if the unobligated cash balance is sufficient, the Treasurer of State shall transfer \$1,500,000 in fiscal year 2002 within thirty days after the effective date of this section and \$1,500,000 in fiscal year 2003 by August 1, 2002, from the Auxiliary Services Personnel Unemployment Compensation Fund to the Department of Education's Auxiliary Services Mobile Repair Fund (Fund 598).

SECTION 44.19. LOTTERY PROFITS EDUCATION FUND

Appropriation item 200-612, Base Cost Funding (Fund 017), shall be used in conjunction with appropriation item 200-501, Base Cost Funding (GRF), to provide payments to school districts pursuant to Chapter 3317. of the Revised Code.

Of the foregoing appropriation item 200-612, Base Cost Funding (Fund 017), \$25,000,000 in each fiscal year shall be used from the funds transferred from the Unclaimed Prizes Trust Fund pursuant to the section entitled "Transfers from the Unclaimed Prizes Fund" of this act.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200-501, Base Cost Funding (GRF), and appropriation item 200-612, Base Cost Funding (Fund 017). If adjustments to the monthly distribution schedule are necessary, the Department of Education shall make

such adjustments with the approval of the Director of Budget and Management.

The Director of Budget and Management shall transfer via intrastate transfer voucher the amount appropriated under the Lottery Profits Education Fund for appropriation item 200-682, Lease Rental Payment Reimbursement, to the General Revenue Fund on a schedule determined by the director. These funds shall support the appropriation item 230-428, Lease Rental Payments (GRF), of the School Facilities Commission.

LOTTERY PROFITS TRANSFERS*

On the fifteenth day of May of each fiscal year, the Director of Budget and Management shall determine if lottery profits transfers will meet the appropriation amounts from the Lottery Profits Education Fund.

On or after the date specified in each fiscal year, if the director determines that lottery profits will not meet appropriations and if other funds are not available to meet the shortfall, the Superintendent of Public Instruction shall take the actions specified under the "Reallocation of Funds" section of this act.

TRANSFERS FROM THE UNCLAIMED PRIZES FUND

By the fifteenth day of January of fiscal year 2002 and fiscal year 2003, the Director of Budget and Management shall transfer \$25,000,000 from the State Lottery Commission's Unclaimed Prizes Fund to the Lottery Profits Education Fund, to be used solely for purposes specified in the Department of Education's budget. Transfers of unclaimed prizes under this provision shall not count as lottery profits in the determination made concerning excess profits titled "Lottery Profits" under the Department of Education in this act.

TEACHER CERTIFICATION AND LICENSURE

The foregoing appropriation item 200-681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer teacher certification and licensure functions pursuant to sections 3301.071, 3301.074, 3301.50, 3301.51, 3319.088, 3319.22, 3319.24 to 3319.28, 3319.281, 3319.282, 3319.29, 3319.301, 3319.31, and 3319.51 of the Revised Code.

SECTION 44.20. LOTTERY PROFITS

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 018) in the State Treasury. At no time shall the amount to the credit of the fund exceed \$75,000,000. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund. Notwithstanding any provisions of law to the contrary, for fiscal years 2002 and 2003, there is

appropriated to the Department of Education, from the Lottery Profits Education Reserve Fund, an amount necessary to make loans authorized by sections 3317.0210, 3317.0211, and 3317.62 of the Revised Code. All loan repayments from loans made in fiscal years 1992, 1993, 1994, 1995, 1996, 1997, 1998, or 1999 shall be deposited into the credit of the Lottery Profits Education Reserve Fund.

(B)(1) On or before July 15, 2001, the Director of Budget and Management shall determine the amount by which lottery profit transfers received by the Lottery Profits Education Fund for fiscal year 2001 exceed \$665,200,000. The amount so certified shall be distributed in fiscal year 2002 pursuant to divisions (C) and (D) of this section.

(2) On or before July 15, 2002, the Director of Budget and Management shall determine the amount by which lottery profit transfers received by the Lottery Profits Education Fund for fiscal year 2002 exceed \$608,722,100. The amount so determined shall be distributed in fiscal year 2003 pursuant to divisions (E) and (F) of this section.

The Director of Budget and Management shall annually certify the amounts determined pursuant to this section to the Speaker of the House of Representatives and the President of the Senate.

(C) Not later than June 15, 2002, the Department of Education, in consultation with the Director of Budget and Management, shall determine, based upon estimates, if a reallocation of funds as described in the section of this act titled "Reallocation of Funds" is required.

If a reallocation of funds is required, then the Superintendent of Public Instruction shall request Controlling Board approval for a release of any balances in the Lottery Profits Education Fund available for the purpose of this division and pursuant to divisions (C)(1) and (2) of the section of this act titled "Reallocation of Funds." Any moneys so released are appropriated.

(D) In fiscal year 2002, if the Department of Education does not determine that a reallocation of funds is necessary by the fifteenth day of June, as provided in division (C) of this section, or if there is a balance in the Lottery Profits Education Fund after the release of any amount needed to preclude a reallocation of funds as provided in division (C) of this section, the moneys in the Lottery Profits Education Fund shall be allocated as provided in this division. Any amounts so allocated are appropriated.

An amount equal to five per cent of the estimated lottery profits of \$665,200,000 in fiscal year 2001 or the amount remaining in the fund, whichever is the lesser amount, shall be transferred to the Lottery Profits Education Reserve Fund within the limitations specified in division (A) of this section and be reserved and shall not be available for allocation or

distribution during fiscal year 2002. Any amounts exceeding \$75,000,000 shall be distributed pursuant to division (G) of this section.

(E) Not later than June 15, 2003, the Department of Education, in consultation with the Director of Budget and Management, shall determine, based upon estimates, if a reallocation of funds as described in the section of this act 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.

SECTION 44.21. PROPERTY TAX ALLOCATION

The Superintendent of Public Instruction shall not request, and the Controlling Board shall not approve, the transfer of funds from appropriation item 200-901, Property Tax Allocation-Education, to any other appropriation item.

SCHOOL DISTRICT SOLVENCY ASSISTANCE

Of the foregoing appropriation item 200-687, School District Solvency Assistance, \$12,000,000 in each fiscal year shall be allocated to the School District Shared Resource Account and \$12,000,000 in each fiscal year shall

be allocated to the Catastrophic Expenditures Account. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent pursuant to section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund.

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT

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.

SECTION 44.22. PROPERTY TAX ALLOCATION - EDUCATION

The appropriation item 200-901, Property Tax Allocation - Education, is appropriated to pay for the state's costs incurred due to the homestead exemption and the property tax rollback. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Appropriation item 200-906, Tangible Tax Exemption - Education is appropriated to pay for the state's costs incurred due to the tangible personal property tax exemption required by division (C)(3) of section 5709.01 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute to each county treasurer the total amount certified by the county treasurer pursuant to section 319.311 of the Revised Code, for all school districts located in the county, notwithstanding the provision in section 319.311 of the Revised Code which provides for payment of the \$10,000 tangible personal property tax exemption by the Tax Commissioner to the appropriate county treasurer for all local taxing districts located in the county. Pursuant to division (G) of section 321.24 of the Revised Code, the county auditor shall distribute the amount paid by the Department of Education among the appropriate school districts.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible

personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation items 200-901, Property Tax Allocation - Education, for the homestead exemption and the property tax rollback payments, and 200-906, Tangible Tax Exemption - Education, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are appropriated.

SECTION 44.23. DISTRIBUTION FORMULAS*

The Department of Education shall report the following to the Director of Budget and Management, the Legislative Office of Education Oversight, and the Legislative Service Commission:

(A) Changes in formulas for distributing state appropriations, including administratively defined formula factors;

(B) Discretionary changes in formulas for distributing federal appropriations;

(C) Federally mandated changes in formulas for distributing federal appropriations.

Any such changes shall be reported two weeks prior to the effective date of the change.

SECTION 44.24. DISTRIBUTION - SCHOOL DISTRICT SUBSIDY PAYMENTS

This section shall not take effect unless the Director of Budget and Management adopts an order putting it into effect and certifies a copy of the order to the Superintendent of Public Instruction and the Controlling Board.

Notwithstanding any other provision of the Revised Code, the monthly distribution of payments made to school districts and educational service centers pursuant to section 3317.01 of the Revised Code for the first six months of each fiscal year shall equal, as nearly as possible, six and two-thirds per cent of the estimate of the amounts payable for each fiscal year. The monthly distribution of payments for the last six months of each fiscal year shall equal, as nearly as possible, ten per cent of the final calculation of the amounts payable to each school district for that fiscal year.

The treasurer of each school district or educational service center may accrue, in addition to the payments defined in this section, to the accounts of the calendar years that end during each fiscal year, the difference between

the sum of the first six months' payments in each fiscal year and the amounts the district would have received had the payments been made in, as nearly as possible in each fiscal year, twelve equal monthly payments.

Notwithstanding the limitations on the amount of borrowing and time of payment provided for in section 133.10 of the Revised Code but subject to sections 133.26 and 133.30 of the Revised Code, a board of education of a school district may at any time between July 1, 2001, and December 31, 2001, or at any time between July 1, 2002, and December 31, 2002, borrow money to pay any necessary and actual expenses of the school district during the last six months of calendar years 2001 and 2002 and in anticipation of the receipt of any portion of the payments to be received by that district in the first six months of calendar years 2002 and 2003 representing the respective amounts accrued pursuant to the preceding paragraph, and issue notes to evidence that borrowing to mature no later than the thirtieth day of June of the calendar year following the calendar year in which such amount was borrowed. The principal amount borrowed in the last six months of calendar years 2001 or 2002 under this paragraph may not exceed the entire amount accrued or to be accrued by the district treasurer in those calendar years pursuant to the preceding paragraph. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts are lawfully appropriated by the board of education. No board of education shall be required to use the authority granted by this paragraph. The receipts so anticipated, and additional amounts from distributions to the districts in the first six months of calendar years 2002 and 2003 pursuant to Chapter 3317. of the Revised Code needed to pay the interest on the notes, shall be deemed appropriated by the board of education to the extent necessary for the payment of the principal of and interest on the notes at maturity, and the amounts necessary to make those monthly distributions are appropriated from the General Revenue Fund. For the purpose of better ensuring the prompt payment of principal of and interest on the notes when due, the resolution of the board of education authorizing the notes may direct that the amount of the receipts anticipated, together with those additional amounts needed to pay the interest on the borrowed amounts, shall be deposited and segregated, in trust or otherwise, to the extent, at the time or times, and in the manner provided in that resolution. The borrowing authorized by this section does not constitute debt for purposes of section 133.04 of the Revised Code. School districts shall be reimbursed by the state for all necessary and actual costs to districts arising from this provision, including, without limitation, the interest paid on the notes while the notes are outstanding. The Department of Education shall

adopt rules that are not inconsistent with this section for school district eligibility and application for reimbursement of such costs. Payments of these costs shall be made out of any anticipated balances in appropriation items distributed under Chapter 3317. of the Revised Code. The department shall submit all requests for reimbursement under these provisions to the Controlling Board for approval.

During the last six months of each calendar year, instead of deducting the amount the Superintendent of Public Instruction would otherwise deduct from a school district's or educational service center's state aid payments in accordance with the certifications made for such year pursuant to sections 3307.56 and 3309.51 of the Revised Code, the superintendent shall deduct an amount equal to forty per cent of the amount so certified. The secretaries of the retirement systems shall compute the certifications for the ensuing year under such sections as if the entire amounts certified as due in the calendar year ending the current fiscal year, but not deducted pursuant to this paragraph, had been deducted and paid in that calendar year. During the first six months of the ensuing calendar year, in addition to deducting the amounts the Superintendent of Public Instruction is required to deduct under such sections during such period, the superintendent shall deduct from a district's or educational service center's state aid payments an additional amount equal to the amount that was certified as due from the district for the calendar year that ends during the fiscal year, but that was not deducted because of this paragraph. The superintendent's certifications to the Director of Budget and Management during the first six months of the calendar year shall reflect such additional deduction.

SECTION 44.25. REALLOCATION OF FUNDS

(A) As used in this section:

(1) "Basic aid" means the amount calculated for the school district received for the fiscal year under divisions (A) and (C) of section 3317.022 and sections 3317.023, 3317.025 to 3317.029, 3317.0212, and 3317.0213 of the Revised Code and the amount computed for a joint vocational school district under section 3317.16 of the Revised Code.

(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

red 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 reallocation pursuant to this section. The money appropriated by this division may be spent or distributed by the department only with the approval of the Controlling Board.

(D) If reductions in nonbasic aid are still necessary following the actions taken pursuant to divisions (B) and (C) of this section, the superintendent shall determine by what percentage expenditures for nonbasic aid must be reduced for the remainder of the fiscal year to make the total amount distributed for the year equal the amount appropriated or available for distribution. The superintendent shall reduce by that percentage the amount to be paid in nonbasic aid to each city, exempted village, local, and joint vocational school district, to each educational service center, to each county board of mental retardation and developmental disabilities, and to each institution providing special education programs under section 3323.091 of the Revised Code for the remainder of the fiscal year.

SECTION 44.26. EDUCATIONAL SERVICE CENTERS FUNDING

Notwithstanding division (B) of section 3317.11 of the Revised Code, no funds shall be provided to an educational service center in either fiscal year for any pupils of a city or exempted village school district unless an

agreement to provide services under section 3313.843 of the Revised Code was entered into by January 1, 1997, except that funds shall be provided to an educational service center for any pupils of a city school district if the agreement to provide services was entered into within one year of the date upon which such district changed from a local school district to a city school district. If insufficient funds are appropriated in fiscal year 2002 or fiscal year 2003 for the purposes of division (B) of section 3317.11 of the Revised Code, the department shall first distribute to each educational service center \$37 per pupil in its service center ADM, as defined in that section. The remaining funds in each fiscal year shall be distributed proportionally, on a per-student basis, to each educational service center for its client ADM, as defined in that section, that is attributable to each city and exempted village school district that had entered into an agreement with an educational service center for that fiscal year under section 3313.843 of the Revised Code by January 1, 1997.

SECTION 44.27. The Legislative Office of Education Oversight shall survey the individualized education programs developed for handicapped children who have been identified under Chapter 3323. of the Revised Code as having "other health handicaps." The Office shall categorize the specific medical conditions that school districts identify as "other health handicaps" and shall quantify the number of students identified in each category. The Office shall report its findings to the General Assembly no later than six months after the effective date of this section.

SECTION 44.28. * For the school year commencing July 1, 2001, or the school year commencing July 1, 2002, or both, the Superintendent of Public Instruction may waive for the board of education of any school district the ratio of teachers to pupils in kindergarten through fourth grade required under paragraph (A)(3) of rule 3301-35-03 of the Administrative Code if the following conditions apply:

(A) The board of education requests the waiver.

(B) After the Department of Education conducts an on-site evaluation of the district related to meeting the required ratio, the board of education demonstrates to the satisfaction of the Superintendent of Public Instruction that providing the facilities necessary to meet the required ratio during the district's regular school hours with pupils in attendance would impose an extreme hardship on the district.

(C) The board of education provides assurances that are satisfactory to

the Superintendent of Public Instruction that the board will act in good faith to meet the required ratio as soon as possible.

SECTION 44.29. PRIVATE TREATMENT FACILITY PILOT PROJECT

(A) As used in this section:

(1) The following are "participating residential treatment centers":

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the department and which, in fiscal year 2002 or 2003 or both, the department pays through appropriation item 470-401, Care and Custody;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) Act One, in Akron;

(e) Friars Club, in Cincinnati.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two

ars of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal years 2002 and 2003 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district shall, notwithstanding any conflicting provision of the Revised Code, pay tuition for the child for fiscal years 2002 and 2003 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2002 and 2003, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement in either fiscal year shall be the formula amount specified in section 3317.022 of the Revised Code, except that the department shall proportionately reduce this reimbursement if sufficient funds are not

available to pay this 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 of January 1, 1993, that approved a replacement permanent improvement levy at the November 5, 1996, election shall be permitted to use the proceeds of such levy, and any notes issued or to be issued in anticipation thereof, as available funds, within the meaning specified under section 3318.03 of the Revised Code, to pay the local share of the cost of the approved classroom facilities project. Notwithstanding the local share as previously determined for purposes of the conditional approval of the project, the local share shall be equal to the amount of proceeds to be obtained by the district under such replacement permanent improvement levy. Such school districts shall not be required to obtain approval of either of the propositions described in division (A) or (B) of section 3318.051 of the Revised Code. The agreement required under section 3318.08 of the Revised Code for the construction and sale of the project shall include provisions for the transfer of the proceeds of the replacement permanent improvement levy, and any notes issued in anticipation thereof, to the school district's project construction account, and

for the levy of the replacement permanent improvement levy.

SECTION 44.32. The Superintendent of Public Instruction shall contract with an independent research entity to evaluate the pilot project approved pursuant to section 3313.975 of the Revised Code. The evaluation shall study the impact of scholarships on student attendance, conduct, commitment to education, and standardized test scores; parental involvement; the school district's ability to provide services to district students; and the availability of alternative educational opportunities. The evaluation shall also study the economic impact of scholarships on the school district.

SECTION 44.33. Notwithstanding division (C)(1) of section 3313.975 of the Revised Code, in addition to students in kindergarten through third grade, initial scholarships may be awarded to fourth, fifth, sixth, seventh, and eighth grade students in fiscal year 2002 and in fiscal year 2003.

SECTION 44.34. (A) As used in this section, "pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. 215 of the 122nd General Assembly.

(B) Any teacher or nonteaching employee of a school district in the pilot project area who, on the effective date of this section, is taking a leave of absence from the district pursuant to a policy adopted under former Section 50.52.13 of that act to work at a community school established under the pilot project and located in another school district may continue the leave under the terms of that policy and former section. Upon termination of the leave, the district shall return the teacher or nonteaching employee to a position, salary, and level of seniority as required by that former section.

SECTION 44.35. As required by Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd General Assembly, as subsequently amended, the Legislative Office of Education Oversight shall complete, by June 1, 2003, its final report on community schools with recommendations as to the future of community schools in Ohio. Copies of the report shall be delivered to the President of the Senate and the Speaker of the House of Representatives.

SECTION 44.36. STATEMENT OF STATE SHARE PERCENTAGE FOR BASE COST AND PARITY AID FUNDING

Pursuant to division (D)(3) of section 3317.012 of the Revised Code, and based on the most recent data available prior to the enactment of this act, the General Assembly has determined that the state share percentage of base cost and parity aid funding for the update year (fiscal year 2002) is 49.0%. This is the target percentage for fiscal years 2003 through 2007 that the General Assembly shall use to fulfill its obligation under division (D)(4) of section 3317.012 of the Revised Code.

Pursuant to division (D)(4) of section 3317.012 of the Revised Code, and based on the most recent data available prior to the enactment of this act, the General Assembly has determined that the state share percentage of base cost and parity aid funding for fiscal year 2003 is 49.4%. This determination fulfills the General Assembly's obligation under that division for fiscal year 2003.

SECTION	45.	OEB	OHIO	EDUCATIONAL
TELECOMMUNICATIONS NETWORK COMMISSION				
General Revenue Fund				
GRF 374-100	Personal Services	\$	1,585,648	\$ 1,705,463
GRF 374-200	Maintenance	\$	902,477	\$ 891,968
GRF 374-300	Equipment	\$	46,760	\$ 45,313
GRF 374-401	Statehouse News Bureau	\$	253,175	\$ 245,344
GRF 374-402	Ohio Government	\$	403,026	\$ 910,296
	Telecommunications Studio			
GRF 374-404	Telecommunications	\$	5,239,754	\$ 5,051,174
	Operating Subsidy			
TOTAL GRF General Revenue Fund		\$	8,430,840	\$ 8,849,558
General Services Fund Group				
4F3 374-603	Affiliate Services	\$	2,941,810	\$ 3,067,586
4T2 374-605	Government	\$	75,000	\$ 150,000
	Television/Telecommunications			
	Operating			
TOTAL GSF General Services				
Fund Group		\$	3,016,810	\$ 3,217,586
TOTAL ALL BUDGET FUND GROUPS		\$	11,447,650	\$ 12,067,144

STATEHOUSE NEWS BUREAU

The foregoing appropriation item 374-401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau.

OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO

The foregoing appropriation item 374-402, Ohio Government

Telecommunications Studio, shall be used solely to support the operations of the Ohio Government Telecommunications Studio.

TELECOMMUNICATIONS OPERATING SUBSIDY

The foregoing appropriation item 374-404, Telecommunications Operating Subsidy, shall be distributed by the Ohio Educational Telecommunications Network Commission to Ohio's qualified public educational television stations, radio reading services, and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation developed by the Ohio Educational Telecommunications Network Commission.

GOVERNMENT TELEVISION/TELECOMMUNICATIONS OPERATING

Beginning on January 1, 2002, General Service Fund 4T2, Government Television/Telecommunications Operating, currently under the direction of the Capital Square Review and Advisory Board, shall be under the direction of the Ohio Educational Telecommunications Network Commission. The Director of Budget and Management shall transfer, by January 15, 2002, all remaining balances in General Services Fund 4T2, Government Television/Telecommunications Operating, in the Capital Square Review and Advisory Board to General Services Fund 4T2, Government Television/Telecommunications Operating, in the Ohio Educational Telecommunications Network Commission. General Services Fund 4T2, Government Television/Telecommunications Operating, is hereby created in the Ohio Educational Telecommunications Network Commission.

SECTION 46. ELC OHIO ELECTIONS COMMISSION

General Revenue Fund			
GRF 051-321	Operating Expenses	\$	298,660 \$ 307,022
TOTAL GRF General Revenue Fund		\$	298,660 \$ 307,022
State Special Revenue Fund Group			
4P2 051-601	Ohio Elections Commission Fund	\$	298,660 \$ 312,923
TOTAL SSR State Special Revenue Fund Group		\$	298,660 \$ 312,923
TOTAL ALL BUDGET FUND GROUPS		\$	597,320 \$ 619,945

SECTION 47. FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS

General Services Fund Group			
4K9 881-609	Operating Expenses	\$	507,667 \$ 533,541
TOTAL GSF General Services Fund Group		\$	507,667 \$ 533,541

TOTAL ALL BUDGET FUND GROUPS	\$	507,667	\$	533,541
------------------------------	----	---------	----	---------

SECTION 48. ERB STATE EMPLOYMENT RELATIONS BOARD**General Revenue Fund**

GRF 125-321 Operating Expenses	\$	3,622,827	\$	3,724,266
TOTAL GRF General Revenue Fund	\$	3,622,827	\$	3,724,266

General Services Fund Group

572 125-603 Training and Publications	\$	73,699	\$	75,541
TOTAL GSF General Services Fund Group	\$	73,699	\$	75,541
TOTAL ALL BUDGET FUND GROUPS	\$	3,696,526	\$	3,799,807

SECTION 49. ENG STATE BOARD OF ENGINEERS AND SURVEYORS**General Services Fund Group**

4K9 892-609 Operating Expenses	\$	919,315	\$	956,188
TOTAL GSF General Services Fund Group	\$	919,315	\$	956,188
TOTAL ALL BUDGET FUND GROUPS	\$	919,315	\$	956,188

SECTION 50. EPA ENVIRONMENTAL PROTECTION AGENCY**General Revenue Fund**

GRF 715-501 Local Air Pollution Control	\$	1,364,111	\$	1,444,068
GRF 717-321 Surface Water	\$	10,005,388	\$	11,104,082
GRF 718-321 Groundwater	\$	1,430,912	\$	1,540,938
GRF 719-321 Air Pollution Control	\$	2,838,394	\$	3,015,444
GRF 721-321 Drinking Water	\$	3,043,210	\$	3,216,737
GRF 723-321 Hazardous Waste	\$	142,080	\$	142,080
GRF 724-321 Pollution Prevention	\$	927,221	\$	986,633
GRF 725-321 Laboratory	\$	1,411,197	\$	1,551,342
GRF 726-321 Corrective Actions	\$	1,890,915	\$	1,912,937
TOTAL GRF General Revenue Fund	\$	23,053,428	\$	24,914,261

General Services Fund Group

199 715-602 Laboratory Services	\$	1,003,616	\$	1,042,081
219 715-604 Central Support Indirect	\$	14,935,955	\$	16,462,642
4A1 715-640 Operating Expenses	\$	3,214,075	\$	3,304,835
TOTAL GSF General Services Fund Group	\$	19,153,646	\$	20,809,558

Federal Special Revenue Fund Group

3F2 715-630 Revolving Loan Fund - Operating	\$	33,700	\$	80,000
3F3 715-632 Fed Supported Cleanup and Response	\$	4,551,830	\$	4,600,910
3F4 715-633 Water Quality Management	\$	702,849	\$	702,849
3F5 715-641 Nonpoint Source Pollution Management	\$	5,820,330	\$	5,820,330
3J1 715-620 Urban Stormwater	\$	522,000	\$	348,000
3J5 715-615 Maumee River	\$	61,196	\$	0
3K2 715-628 Clean Water Act 106	\$	3,769,255	\$	3,769,254

Am. Sub. H. B. No. 94

1277

3K4	715-634	DOD Monitoring and Oversight	\$	1,388,552	\$	1,487,341
3K6	715-639	Remedial Action Plan	\$	600,000	\$	270,000
3N4	715-657	DOE Monitoring and Oversight	\$	4,080,203	\$	4,162,907
3T1	715-668	Rural Hardship Grant	\$	50,000	\$	50,000
3V7	715-606	Agencywide Grants	\$	360,000	\$	80,000
352	715-611	Wastewater Pollution	\$	200,000	\$	278,000
353	715-612	Public Water Supply	\$	2,489,460	\$	2,489,460
354	715-614	Hazardous Waste Management - Federal	\$	3,900,000	\$	3,900,000
357	715-619	Air Pollution Control - Federal	\$	4,919,683	\$	4,835,600
362	715-605	Underground Injection Control - Federal	\$	107,856	\$	107,856
TOTAL FED Federal Special Revenue Fund Group			\$	33,556,914	\$	32,982,507
State Special Revenue Fund Group						
3T3	715-669	Drinking Water SRF	\$	5,577,473	\$	5,839,217
4J0	715-638	Underground Injection Control	\$	377,268	\$	394,097
4K2	715-648	Clean Air - Non Title V	\$	3,558,719	\$	3,725,707
4K3	715-649	Solid Waste	\$	12,883,012	\$	13,578,411
4K4	715-650	Surface Water Protection	\$	9,052,930	\$	9,053,183
4K5	715-651	Drinking Water Protection	\$	5,420,914	\$	5,780,021
4P5	715-654	Cozart Landfill	\$	140,404	\$	143,914
4R5	715-656	Scrap Tire Management	\$	5,526,050	\$	5,607,911
4R9	715-658	Voluntary Action Program	\$	760,038	\$	880,324
4T3	715-659	Clean Air - Title V Permit Program	\$	16,330,021	\$	16,919,482
4U7	715-660	Construction & Demolition Debris	\$	136,347	\$	143,435
5H4	715-664	Groundwater Support	\$	1,718,659	\$	1,820,773
500	715-608	Immediate Removal Special Account	\$	508,000	\$	428,547
503	715-621	Hazardous Waste Facility Management	\$	10,274,613	\$	11,045,132
503	715-662	Hazardous Waste Facility Board	\$	688,634	\$	725,713
505	715-623	Hazardous Waste Cleanup	\$	12,786,201	\$	13,427,443
541	715-670	Site Specific Cleanup	\$	2,206,952	\$	2,345,990
542	715-671	Risk Management Reporting	\$	174,924	\$	185,605
592	715-627	Anti-Tampering Settlement	\$	10,000	\$	10,000
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000
602	715-626	Motor Vehicle Inspection and Maintenance	\$	2,653,217	\$	2,795,062
644	715-631	ER Radiological Safety	\$	242,446	\$	255,947
660	715-629	Infectious Waste Management	\$	138,899	\$	145,271
676	715-642	Water Pollution Control Loan Administration	\$	4,874,302	\$	5,252,873
678	715-635	Air Toxic Release	\$	394,489	\$	413,938
679	715-636	Emergency Planning	\$	2,000,708	\$	2,054,868
696	715-643	Air Pollution Control Administration	\$	750,000	\$	750,000

699	715-644	Water Pollution Control Administration	\$	250,000	\$	250,000
TOTAL SSR State Special Revenue						
	Fund Group		\$	100,935,220	\$	105,472,864
TOTAL ALL BUDGET FUND GROUPS						
			\$	176,699,208	\$	184,179,190

SECTION 50.01. AREAWIDE PLANNING AGENCIES

Of the foregoing appropriation item 717-321, Surface Water, \$250,000 in fiscal year 2002 and \$250,000 in fiscal year 2003 shall be divided evenly between the following six areawide planning agencies for the purpose of regional water management planning: Eastgate Regional Council of Governments, Miami Valley Regional Planning Commission, Northeast Ohio Four County Regional Planning and Development Organization, Northeast Ohio Areawide Coordinating Agency, Ohio-Kentucky-Indiana Regional Council of Governments, and Toledo Metropolitan Area Council of Governments.

GROUNDWATER

Of the foregoing appropriation item 718-321, Groundwater, \$125,000 per year shall be earmarked for the New Straitsville Sewer.

PUBLIC WATER SYSTEM SUPERVISION

Of the foregoing appropriation item 721-321, Drinking Water, \$225,000 per year shall be earmarked for the Northern Perry Water Phase III.

CENTRAL SUPPORT INDIRECT

Notwithstanding any other provision of law to the contrary, the Director of Environmental Protection, with the approval of the Director of Budget and Management, shall utilize a methodology for determining each division's payments into the Central Support Indirect Fund (Fund 219). The methodology used shall contain the characteristics of administrative ease and uniform application. Payments to the Central Support Indirect Fund (Fund 219) shall be made using an intrastate transfer voucher.

Not later than November 30, 2001, the Director of Environmental Protection shall certify to the Director of Budget and Management the cash balances in Fund 356, Indirect Costs, and Fund 4C3, Central Support Indirect, and may request the Director of Budget and Management to transfer up to the certified amounts into Fund 219, Central Support Indirect. The amount transferred is hereby appropriated.

SOLID WASTE FUND TRANSFER

Not later than March 1, 2002, the Director of Environmental Protection shall certify to the Director of Budget and Management the amount expended from Fund 4K3, Solid Waste, during fiscal years 2000 and 2001 for emergency expenses incurred as a result of the fire at the Kirby Tire site.

In fiscal years 2002 and 2003, the Director of Environmental Protection shall request the Director of Budget and Management to transfer up to one-half of the certified amount during fiscal year 2002 and the balance of the certified amount during fiscal year 2003 from Fund 4R5, Scrap Tire Management, to Fund 4K3, Solid Waste. The amounts transferred are hereby appropriated.

Moneys transferred from Fund 4R5, Scrap Tire Management, to Fund 4K3, Solid Waste, shall not consist of any moneys generated under division (A)(2) of section 3734.901 of the Revised Code as amended by this act.

SECTION 51. There is hereby created the E-Check New Car Exemption Working Group consisting of a representative of the Governor's office appointed by the Governor, the Director of Environmental Protection or the Director's designee, a member of the House of Representatives appointed by the Speaker of the House of Representatives, and a member of the Senate appointed by the President of the Senate. The member from the House of Representatives and the member from the Senate shall be from different political parties. Appointments shall be made not later than five days after the effective date of this section. The Working Group shall begin meeting not later than two weeks after the effective date of this section.

The Working Group shall enter into communications with the contractor hired under section 3704.14 of the Revised Code to conduct emissions inspections under the motor vehicle inspection and maintenance program in order to determine all implementing costs and contract-related costs associated with expanding the current new car exemption under that program from two years to five years through a three-year phase-in process. The Working Group shall issue a report of its findings to the Speaker of the House of Representatives and the President of the Senate not later than four weeks after the effective date of this section. Upon submittal of its report, the Working Group shall cease to exist.

SECTION 52. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION

General Revenue Fund

GRF 172-321 Operating Expenses	\$	465,008	\$	481,221
TOTAL GRF General Revenue Fund	\$	465,008	\$	481,221
TOTAL ALL BUDGET FUND GROUPS	\$	465,008	\$	481,221

SECTION 53. ETH OHIO ETHICS COMMISSION

General Revenue Fund

GRF 146-321	Operating Expenses	\$	1,325,713	\$	1,415,005
TOTAL GRF General Revenue Fund		\$	1,325,713	\$	1,415,005

General Services Fund Group

4M6 146-601	Operating Expenses	\$	386,485	\$	409,543
TOTAL GSF General Services Fund Group		\$	386,485	\$	409,543
TOTAL ALL BUDGET FUND GROUPS		\$	1,712,198	\$	1,824,548

FEE REVENUE TRANSFER

If the fee revenue that is raised and deposited into Fund 4M6 146-601, Operating Expenses, exceeds the amount appropriated each fiscal year, the extra fee revenue shall be hereby appropriated into Fund 4M6 146-601, Operating Expenses, and OBM shall reduce the GRF appropriation item 146-321, Operating Expenses, in an amount equal to the amount of the extra fee revenue generated each fiscal year.

SECTION 54. EXP OHIO EXPOSITIONS COMMISSION**General Revenue Fund**

GRF 723-403	Junior Fair Subsidy	\$	525,000	\$	525,000
TOTAL GRF General Revenue Fund		\$	525,000	\$	525,000

State Special Revenue Fund Group

506 723-601	Operating Expenses	\$	14,411,437	\$	14,875,658
4N2 723-602	Ohio State Fair Harness Racing	\$	511,000	\$	520,000
640 723-603	State Fair Reserve	\$	700,000	\$	0
TOTAL SSR State Special Revenue Fund Group		\$	15,622,437	\$	15,395,658
TOTAL ALL BUDGET FUND GROUPS		\$	16,147,437	\$	15,920,658

STATE FAIR RESERVE

The foregoing appropriation item 723-603, State Fair Reserve, shall serve as a budget reserve fund for the Ohio Expositions Commission in the event of a significant decline in attendance due to inclement weather or extraordinary circumstances during the Ohio State Fair and resulting in a loss of revenue. The State Fair Reserve may be used by the Ohio Expositions Commission to pay bills resulting from the Ohio State Fair only if all the following criteria are met:

(A) Admission revenues for the 2001 Ohio State Fair are less than \$2,920,000 or admission revenues for the 2002 Ohio State Fair are less than \$3,010,000 due to inclement weather or extraordinary circumstances. These amounts are ninety per cent of the projected admission revenues for each year.

(B) The Ohio Expositions Commission declares a state of fiscal exigency and requests release of funds by the Director of Budget and

Management.

(C) The Director of Budget and Management releases the funds. The Director of Budget and Management may approve or disapprove the request for release of funds, may increase or decrease the amount of release, and may place such conditions as the director deems necessary on the use of the released funds. The Director of Budget and Management may transfer appropriation authority from fiscal year 2002 to fiscal year 2003 as needed.

In the event that the Ohio Expositions Commission faces a temporary cash shortage that will preclude them from meeting current obligations, the Commission may request the Director of Budget and Management to approve use of the State Fair Reserve to meet those obligations. The request shall include a plan describing how the Commission will eliminate the cash shortage. If the Director of Budget and Management approves the expenditures, the Commission shall reimburse Fund 640 by the thirtieth day of June of that same fiscal year through an intrastate transfer voucher. The amount reimbursed is appropriated.

Of the foregoing appropriation item 723-603, State Fair Reserve, up to \$500,000 shall be transferred in fiscal year 2003 to appropriation item 723-403, Junior Fair Subsidy.

SECTION 55. GOV OFFICE OF THE GOVERNOR

General Revenue Fund

GRF 040-321	Operating Expenses	\$	4,608,731	\$	4,748,556
GRF 040-403	National Governors Conference	\$	174,001	\$	179,224
GRF 040-408	Office of Veterans' Affairs	\$	271,599	\$	279,748
TOTAL GRF General Revenue Fund		\$	5,054,331	\$	5,207,528
TOTAL ALL BUDGET FUND GROUPS		\$	5,054,331	\$	5,207,528

APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR

The Governor may expend a portion of the foregoing appropriation item 040-321, Operating Expenses, to hire or appoint legal counsel to be used in proceedings involving the Governor in the Governor's official capacity or the Governor's office only, without the approval of the Attorney General, notwithstanding sections 109.02 and 109.07 of the Revised Code.

SECTION 56. DOH DEPARTMENT OF HEALTH

General Revenue Fund

GRF 440-406	Hemophilia Services	\$	1,230,492	\$	1,230,492
GRF 440-407	Animal Borne Disease and Prevention	\$	2,643,874	\$	2,598,297
GRF 440-412	Cancer Incidence Surveillance System	\$	898,978	\$	1,104,175

Am. Sub. H. B. No. 94

1282

GRF 440-413	Ohio Health Care Policy and Data	\$	3,056,959	\$	3,157,200
GRF 440-416	Child and Family Health Services	\$	11,187,078	\$	10,839,187
GRF 440-418	Immunizations	\$	9,403,469	\$	9,616,514
GRF 440-419	Sexual Assault Prevention and Intervention	\$	50,000	\$	50,000
GRF 440-444	AIDS Prevention and Treatment	\$	9,142,101	\$	9,476,508
GRF 440-446	Infectious Disease Prevention	\$	642,821	\$	649,291
GRF 440-451	Public Health Prevention Programs	\$	7,708,440	\$	7,212,245
GRF 440-452	Child and Family Health Care Operations	\$	1,316,947	\$	1,320,455
GRF 440-453	Health Care Facility Protection and Safety	\$	12,466,643	\$	12,662,779
GRF 440-454	Local Environmental Health	\$	1,243,340	\$	1,244,824
GRF 440-459	Help Me Grow	\$	12,500,000	\$	12,500,000
GRF 440-461	Vital Statistics	\$	3,891,580	\$	3,863,425
GRF 440-501	Local Health Districts	\$	3,991,111	\$	3,991,111
GRF 440-504	Poison Control Network	\$	388,000	\$	388,000
GRF 440-505	Medically Handicapped Children	\$	7,634,095	\$	7,540,879
GRF 440-507	Cystic Fibrosis	\$	818,131	\$	818,131
GRF 440-508	Migrant Health	\$	120,767	\$	118,049
GRF 440-510	Arthritis Care	\$	75,000	\$	75,000
TOTAL GRF General Revenue Fund		\$	90,409,826	\$	90,456,562
General Services Fund Group					
142 440-618	General Operations	\$	2,764,557	\$	2,892,340
211 440-613	Central Support Indirect Costs	\$	25,527,855	\$	26,149,512
473 440-622	Lab Operating Expenses	\$	4,006,440	\$	4,154,045
5C1 440-642	TANF Family Planning	\$	255,500	\$	261,888
683 440-633	Employee Assistance Program	\$	1,017,408	\$	1,062,965
698 440-634	Nurse Aide Training	\$	240,000	\$	265,808
TOTAL GSF General Services Fund Group		\$	33,811,760	\$	34,786,558
Federal Special Revenue Fund Group					
320 440-601	Maternal Child Health Block Grant	\$	32,702,100	\$	34,335,562
387 440-602	Preventive Health Block Grant	\$	9,278,173	\$	9,278,173
389 440-604	Women, Infants, and Children	\$	185,850,000	\$	195,142,500
391 440-606	Medicaid/Medicare	\$	24,297,017	\$	25,778,700
392 440-618	General Operations	\$	74,384,890	\$	77,720,166
TOTAL FED Federal Special Revenue Fund Group		\$	326,512,180	\$	342,255,101
State Special Revenue Fund Group					
3W5 440-611	Title XX Transfer	\$	500,000	\$	500,000
4D6 440-608	Genetics Services	\$	2,725,894	\$	2,799,641
4F9 440-610	Sickle Cell Disease Control	\$	1,010,091	\$	1,035,344
4G0 440-636	Heirloom Birth Certificate	\$	1,000	\$	1,000
4G0 440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000
4L3 440-609	Miscellaneous Expenses	\$	257,548	\$	258,570

4T4	440-603	Child Highway Safety	\$	224,855	\$	233,894
4V6	440-641	Save Our Sight	\$	1,232,421	\$	1,266,900
470	440-618	General Operations	\$	12,364,273	\$	12,941,359
471	440-619	Certificate of Need	\$	352,598	\$	370,524
477	440-627	Medically Handicapped Children Audit	\$	4,400,452	\$	4,640,498
5B5	440-616	Quality, Monitoring, and Inspection	\$	802,502	\$	838,479
5C0	440-615	Alcohol Testing and Permit	\$	1,395,439	\$	1,455,405
5D6	440-620	Second Chance Trust	\$	831,924	\$	852,723
5L1	440-623	Nursing Facility Technical Assistance Program	\$	1,080,000	\$	1,157,150
610	440-626	Radiation Emergency Response	\$	870,505	\$	923,315
666	440-607	Medically Handicapped Children - County Assessments	\$	14,039,889	\$	14,039,889
TOTAL SSR State Special Revenue Fund Group			\$	42,094,391	\$	43,319,691
Holding Account Redistribution Fund Group						
R14	440-631	Vital Statistics	\$	49,000	\$	49,000
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000
TOTAL 090 Holding Account Redistribution Fund Group			\$	69,000	\$	69,000
TOTAL ALL BUDGET FUND GROUPS			\$	494,897,157	\$	510,886,912

SECTION 56.01. HEMOPHILIA SERVICES

Of the foregoing appropriation item 440-406, Hemophilia Services, \$205,000 in each fiscal year shall be used to implement the Hemophilia Insurance Pilot Project.

Of the foregoing appropriation item 440-406, Hemophilia Services, up to \$245,000 in each fiscal year shall be used by the Department of Health to provide grants to the nine hemophilia treatment centers to provide prevention services for persons with hemophilia and their family members affected by AIDS and other bloodborne pathogens.

CANCER REGISTRY SYSTEM

Of the foregoing appropriation item 440-412, Cancer Incidence Surveillance System, \$50,000 in each fiscal year shall be provided to the Northern Ohio Cancer Resource Center.

The remaining moneys in appropriation item 440-412, Cancer Incidence Surveillance System, shall be used to maintain and operate the Ohio Cancer Incidence Surveillance System pursuant to sections 3701.261 to 3701.263 of the Revised Code.

No later than March 1, 2002, the Ohio Cancer Incidence Surveillance

Advisory Board shall report to the General Assembly on the effectiveness of the cancer incidence surveillance system and the partnership between the Department of Health and the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute of The Ohio State University.

CHILD AND FAMILY HEALTH SERVICES

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$1,700,000 in each fiscal year shall be used for family planning services. None of the funds received through these family planning grants shall be used to provide abortion services. None of the funds received through these family planning grants shall be used for counseling for or referrals for abortion, except in the case of a medical emergency. These funds shall be distributed on the basis of the relative need in the community served by the Director of Health to family planning programs, which shall include family planning programs funded under Title V of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and Title X of the "Public Health Services Act," 58 Stat. 682 (1946), 42 U.S.C.A. 201, as amended, as well as to other family planning programs that the Department of Health also determines will provide services that are physically and financially separate from abortion-providing and abortion-promoting activities, and that do not include counseling for or referrals for abortion, other than in the case of medical emergency, with state moneys, but that otherwise substantially comply with the quality standards for such programs under Title V and Title X.

The Director of Health, by rule, shall provide reasonable methods by which a grantee wishing to be eligible for federal funding may comply with these requirements for state funding without losing its eligibility for federal funding, while ensuring that a family planning program receiving a family planning grant must be organized so that it is physically and financially separate from the provision of abortion services and from activities promoting abortion as a method of family planning.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$150,000 in each fiscal year shall be used to provide malpractice insurance for physicians and other health professionals providing prenatal services in programs funded by the Department of Health.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$279,000 shall be used in each fiscal year for the OPTIONS dental care access program.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$600,000 in each fiscal year shall be used by local child and family health services clinics to provide services to uninsured low-income

persons.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$900,000 in each fiscal year shall be used by federally qualified health centers and federally designated look-alikes to provide services to uninsured low-income persons.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in each fiscal year shall be used for the Tree of Knowledge Learning Center in Cleveland Heights.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$25,000 in fiscal year 2002 shall be provided to the Suicide Prevention Program of Clermont County.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in fiscal year 2002 shall be provided to the Discover Health Project.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$75,000 in fiscal year 2002 shall be provided to the Mayerson Center.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in fiscal year 2002 shall be provided to the Central Clinic at the University of Cincinnati.

IMMUNIZATIONS

Of the foregoing appropriation item 440-418, Immunizations, \$125,000 per fiscal year shall be used to provide vaccinations for Hepatitis B to all qualified underinsured students in the seventh grade who have not been previously immunized.

Of the foregoing appropriation item 440-418, Immunizations, up to \$25,000 in each fiscal year shall be used to provide vaccinations for pneumococcal disease for children between the ages of two and five.

SEXUAL ASSAULT PREVENTION AND INTERVENTION

The foregoing appropriation item 440-419, Sexual Assault Prevention and Intervention, shall be used for the following purposes:

(A) Funding of new services in counties with no services for sexual assault;

(B) Expansion of services provided in currently funded projects so that comprehensive crisis intervention and prevention services are offered;

(C) Start-up funding for Sexual Assault Nurse Examiner (SANE) projects;

(D) Statewide expansion of local outreach and public awareness efforts.

HIV/AIDS PREVENTION/TREATMENT

Of the foregoing appropriation item 440-444, AIDS Prevention and

Treatment, \$6.7 million in fiscal year 2002 and \$7.1 million in fiscal year 2003 shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications.

The HIV Drug Assistance Program is pursuant to section 3701.241 of the Revised Code and Title XXVI of the "Public Health Services Act," 104 Stat. 576 (1990), 42 U.S.C.A. 2601, as amended. The Department of Health may adopt rules pursuant to Chapter 119. of the Revised Code as necessary for the administration of the program.

INFECTIOUS DISEASE PREVENTION

Notwithstanding section 339.77 of the Revised Code, \$60,000 of the foregoing appropriation item 440-446, Infectious Disease Prevention, shall be used by the Director of Health to reimburse Boards of County Commissioners for the cost of detaining indigent persons with tuberculosis. Any portion of the \$60,000 allocated for detainment not used for that purpose shall be used to make payments to counties pursuant to section 339.77 of the Revised Code.

Of the foregoing appropriation item 440-446, Infectious Disease Prevention, \$200,000 in each fiscal year shall be used for the purchase of drugs for sexually transmitted diseases.

HELP ME GROW

The foregoing appropriation item 440-459, Help Me Grow, shall be used by the Department of Health to distribute subsidies to counties to implement section 3701.61 of the Revised Code. Appropriation item 440-459 may be used in conjunction with Temporary Assistance for Needy Families from the Department of Job and Family Services, Even Start from the Department of Education, and in conjunction with other early childhood funds and services to promote the optimal development of young children. Local contacts shall be developed between local departments of job and family services and family and children first councils for the administration of TANF funding for the Help Me Grow Program. The Department of Health shall enter into an interagency agreement with the Department of Education to coordinate the planning, design, and grant selection process for any new Even Start grants and to ensure that all new and existing programs within Help Me grow are school linked.

POISON CONTROL NETWORK

The foregoing appropriation item 440-504, Poison Control Network, shall be used in each fiscal year by the Department of Health for grants to the consolidated Ohio Poison Control Center to provide poison control services to Ohio citizens.

BIRTH DEFECTS INFORMATION SYSTEM

Of the foregoing appropriation item 440-507, Cystic Fibrosis, \$50,000 in each fiscal year shall be used to begin implementation of the Birth Defects Information System established under Sub. H.B. 534 of the 123rd General Assembly.

TANF FAMILY PLANNING

The Director of Budget and Management shall transfer by intrastate transfer voucher, no later than the fifteenth day of July of each fiscal year, cash from the General Revenue Fund, appropriation item 600-410, TANF State, to General Services Fund 5C1 in the Department of Health, in an amount of \$250,000 in each fiscal year for the purpose of family planning services for children or their families whose income is at or below 200 per cent of the official poverty guideline.

As used in this section, "poverty guideline" means the official poverty guideline as revised annually by the United States Secretary of Health and Human Services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

MATERNAL CHILD HEALTH BLOCK GRANT

Of the foregoing appropriation item 440-601, Maternal Child Health Block Grant (Fund 320), \$2,091,299 shall be used in each fiscal year for the purposes of abstinence-only education. The Director of Health shall develop guidelines for the establishment of abstinence programs for teenagers with the purpose of decreasing unplanned pregnancies and abortion. Such guidelines shall be pursuant to Title V of the "Social Security Act," 42 U.S.C.A. 510, and shall include, but are not limited to, advertising campaigns and direct training in schools and other locations.

A portion of the foregoing appropriation item 440-601, Maternal Child Health Block Grant (Fund 320), may be used to ensure that current information on sudden infant death syndrome is available for distribution by local health districts.

TITLE XX TRANSFER

Of the foregoing appropriation item 440-611, Title XX Transfer (Fund 3W5), \$500,000 in each fiscal year shall be used for the purposes of abstinence-only education. The Director of Health shall develop guidelines for the establishment of abstinence programs for teenagers with the purpose of decreasing unplanned pregnancies and abortion. The guidelines shall be developed pursuant to Title V of the "Social Security Act," 42 U.S.C. 510, and shall include, but are not to be limited to, advertising campaigns and direct training in schools and other locations.

GENETICS SERVICES

The foregoing appropriation item 440-608, Genetics Services (Fund 4D6), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

SICKLE CELL FUND

The foregoing appropriation item 440-610, Sickle Cell Disease Control (Fund 4F9), shall be used by the Department of Health to administer programs authorized by section 3701.131 of the Revised Code. The source of the funds is as specified in section 3701.23 of the Revised Code.

SAFETY AND QUALITY OF CARE STANDARDS

The Department of Health may use Fund 471, Certificate of Need, for administering sections 3702.11 to 3702.20 and 3702.30 of the Revised Code in each fiscal year.

MEDICALLY HANDICAPPED CHILDREN AUDIT

The Medically Handicapped Children Audit Fund (Fund 477) shall receive revenue from audits of hospitals and recoveries from third-party payors. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payors and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND PERMIT FUND

The Director of Budget and Management, pursuant to a plan submitted by the Department of Health, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Liquor Control Fund (Fund 043) to the Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating needs of the Alcohol Testing and Permit program.

The Director of Budget and Management shall transfer to the Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control Fund (Fund 043) established in section 4301.12 of the Revised Code such amounts at such times as determined by the transfer schedule.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

The foregoing appropriation item 440-607, Medically Handicapped Children - County Assessments (Fund 666), shall be used to make payments pursuant to division (E) of section 3701.023 of the Revised Code.

SECTION 56.02. (A) There is hereby created the Health Care Workforce Shortage Task Force to study the shortage of health care professionals and health care workers in the health care workforce and to propose a state plan to address the problem. For the purposes of the Task Force, "health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.

(B) The Director of Health shall serve as chair of the Health Care Workforce Shortage Task Force. The Task Force shall consist of not more than twenty-one members, who shall serve without compensation. The Director of Aging, one member of the Senate, appointed by the President of the Senate, and one member of the House of Representatives, appointed by the Speaker of the House of Representatives, shall serve on the Task Force. The member from the House of Representatives and the member from the Senate shall be from different political parties. The Director of Health shall appoint health care professionals and health care workers representing each of the following organizations:

- (1) Ohio Hospital Association;
- (2) Ohio Association of Children's Hospitals;
- (3) Ohio Council for Home Care;
- (4) Ohio Health Care Association;
- (5) Ohio Hospice and Palliative Care Organization;
- (6) Ohio Association of Philanthropic Homes;
- (7) Ohio Commission on Minority Health;
- (8) Ohio Nurses Association;
- (9) Ohio Pharmacists Association;
- (10) Ohio State Medical Association;
- (11) Families for Improved Care;
- (12) Ohio Association of Health Care Quality;
- (13) Ohio Academy of Family Physicians;
- (14) Ohio Provider Resource Association;
- (15) Ohio Association of Adult Day Services.

(C) The Department of Health shall provide the Task Force with office space, staff, supplies, services, and other support as needed.

(D) The Task Force shall do all of the following:

- (1) Review the licensing standards for all health care professionals;
- (2) Identify strategies to increase recruitment, retention, and development of qualified health care professionals and health care workers in health care settings;
- (3) Develop recommendations for improving scopes of practice to remove unnecessary barriers to high quality provision of health care;
- (4) Develop possible demonstration projects to present technology's potential to increase the efficiency of health care personnel;
- (5) Recommend education strategies to meet health care workforce needs.

(E) The Task Force shall submit a report of its findings and recommendations to the Speaker and Minority Leader of the House of Representatives and to the President and Minority Leader of the Senate not later than July 1, 2002. On submission of the report, the Task Force shall cease to exist.

SECTION 57. HEF HIGHER EDUCATIONAL FACILITY COMMISSION

Agency Fund Group

461 372-601 Operating Expenses	\$	13,080	\$	13,900
TOTAL AGY Agency Fund Group	\$	13,080	\$	13,900
TOTAL ALL BUDGET FUND GROUPS	\$	13,080	\$	13,900

SECTION 58. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS

General Revenue Fund

GRF 148-100 Personal Services	\$	171,161	\$	176,004
GRF 148-200 Maintenance	\$	35,821	\$	35,751
GRF 148-300 Equipment	\$	3,648	\$	3,552
TOTAL GRF General Revenue Fund	\$	210,630	\$	215,307

General Services Fund Group

601 148-602 Gifts and Miscellaneous	\$	8,485	\$	8,697
TOTAL GSF General Services Fund Group	\$	8,485	\$	8,697
TOTAL ALL BUDGET FUND GROUPS	\$	219,115	\$	224,004

COMMISSION ON HISPANIC/LATINO AFFAIRS PROGRESS REVIEW

No later than December 31, 2001, the Commission on Hispanic/Latino Affairs shall submit to the chairperson and ranking minority member of the Human Services Subcommittee of the Finance and Appropriations Committee of the House of Representatives a report that demonstrates the progress that has been made toward meeting the Commission's mission statement.

SECTION 59. OHS OHIO HISTORICAL SOCIETY

General Revenue Fund

GRF 360-501	Operating Subsidy	\$	3,784,283	\$	3,816,047
GRF 360-502	Site Operations	\$	7,471,775	\$	7,458,843
GRF 360-503	Ohio Bicentennial Commission	\$	1,750,000	\$	1,750,000
GRF 360-504	Ohio Preservation Office	\$	400,575	\$	383,704
GRF 360-505	Afro-American Museum	\$	1,049,836	\$	1,030,641
GRF 360-506	Hayes Presidential Center	\$	708,203	\$	695,253
GRF 360-508	Historical Grants	\$	1,005,000	\$	775,000
TOTAL GRF General Revenue Fund		\$	16,169,672	\$	15,909,488
TOTAL ALL BUDGET FUND GROUPS		\$	16,169,672	\$	15,909,488

SUBSIDY APPROPRIATION

Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio Historical Society in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the society for fiscal years 2002 and 2003 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and Management. The society shall prepare and submit to the Office of Budget and Management the following:

(A) An estimated operating budget for each fiscal year of the biennium. The operating budget shall be submitted at or near the beginning of each year.

(B) Financial reports, indicating actual receipts and expenditures for the fiscal year to date. These reports shall be filed at least semiannually during the fiscal biennium.

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio Historical Society under section 149.30 of the Revised Code.

OPERATING SUBSIDY

The Director of Budget and Management shall not release the second quarterly payment for FY 2002 of the foregoing appropriation item GRF 360-501, Operating Subsidy, to the Ohio Historical Society until the release of these moneys is approved by the Controlling Board. The Controlling Board shall not approve such release until the Ohio Historical Society submits a plan to the Controlling Board containing a detailed budget with current and projected costs of operating each state memorial by category, the sources and amounts of non-state income used at each site, and the Ohio Historical Society's management plan for each site during the biennium. The

Controlling Board shall consult with the Ohio Historic Preservation Advisory Board and determine the Ohio Historical Society's submitted plan to adequately meet the state's goal of historic preservation prior to the approval of the release of moneys from GRF 360-501, Operating Subsidy, to the Ohio Historical Society.

SITE OPERATIONS

Of the foregoing appropriation item 360-502, Site Operations, \$75,000 in each fiscal year shall be distributed to the Ohio Ceramic Center; \$5,000 in each fiscal year shall be distributed to the New Straitsville Veterans' Monument; \$10,000 in each fiscal year shall be distributed to the Huron County Veterans' Memorial; and \$12,500 in each fiscal year shall be distributed to the Shalersville Veterans' Memorial.

HAYES PRESIDENTIAL CENTER

If a United States government agency, including, but not limited to, the National Park Service, chooses to take over the operations or maintenance of the Hayes Presidential Center, in whole or in part, the Ohio Historical Society shall make arrangements with the National Park Service or other United States government agency for the efficient transfer of operations or maintenance.

HISTORICAL GRANTS

Of the foregoing appropriation item 360-508, Historical Grants, \$50,000 in each fiscal year shall be distributed to the Hebrew Union College in Cincinnati for the Holocaust Education Project, \$20,000 in fiscal year 2002 shall be distributed to the Clinton County Historical Society, \$60,000 in fiscal year 2002 shall be distributed to the Holbrook College Project, \$100,000 in each fiscal year shall be distributed to the Western Reserve Historical Society Hale Farm Project, \$125,000 in each fiscal year shall be distributed to the Great lakes Historical Society, \$500,000 in each fiscal year shall be distributed to the Western Reserve Historical Society, \$75,000 in fiscal year 2002 shall be distributed to the Cincinnati Museum Center, \$50,000 in fiscal year 2002 shall be distributed to the Underground Railroad Freedom Center, and \$25,000 in fiscal year 2002 shall be distributed to the Emery Theatre.

SECTION 60. REP OHIO HOUSE OF REPRESENTATIVES

General Revenue Fund

GRF 025-321	Operating Expenses	\$	18,654,083	\$	19,562,481
TOTAL GRF General Revenue Fund		\$	18,654,083	\$	19,562,481

General Services Fund Group

103 025-601	House Reimbursement	\$	1,287,500	\$	1,287,500
4A4 025-602	Miscellaneous Sales	\$	33,990	\$	33,990

TOTAL GSF General Services			
Fund Group	\$	1,321,490	\$ 1,321,490
TOTAL ALL BUDGET FUND GROUPS	\$	19,975,573	\$ 20,883,971

SECTION 61. IGO OFFICE OF THE INSPECTOR GENERAL

General Revenue Fund

GRF 965-321 Operating Expenses	\$	630,334	\$ 663,877
TOTAL GRF General Revenue Fund	\$	630,334	\$ 663,877

State Special Revenue Fund Group

4Z3 965-602 Special Investigations	\$	100,000	\$ 100,000
TOTAL SSR State Special Revenue Fund	\$	100,000	\$ 100,000

Group

TOTAL ALL BUDGET FUND GROUPS	\$	730,334	\$ 763,877
------------------------------	----	---------	------------

Of the foregoing appropriation item 965-602, Special Investigations, up to \$100,000 in each fiscal year may be used for investigative costs, pursuant to section 121.481 of the Revised Code.

SECTION 62. INS DEPARTMENT OF INSURANCE

Federal Special Revenue Fund Group

3U5 820-602 OSHIP Operating Grant	\$	400,000	\$ 400,000
TOTAL FED Federal Special			

Revenue Fund Group

	\$	400,000	\$ 400,000
--	----	---------	------------

State Special Revenue Fund Group

554 820-601 Operating Expenses - OSHIP	\$	543,101	\$ 601,773
554 820-606 Operating Expenses	\$	20,090,984	\$ 22,350,783
555 820-605 Examination	\$	6,581,705	\$ 6,963,535

TOTAL SSR State Special Revenue

Fund Group	\$	27,215,790	\$ 29,916,091
TOTAL ALL BUDGET FUND GROUPS	\$	27,615,790	\$ 30,316,091

MARKET CONDUCT EXAMINATION

When conducting a market conduct examination of any insurer doing business in this state, the Superintendent of Insurance may assess the costs of the examination against the insurer. The superintendent may enter into consent agreements to impose administrative assessments or fines for conduct discovered that may be violations of statutes or regulations administered by the superintendent. All costs, assessments, or fines collected shall be deposited to the credit of the Department of Insurance Operating Fund (Fund 554).

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES

The Superintendent of Insurance may transfer funds from the Department of Insurance Operating Fund (Fund 554), established by section 3901.021 of the Revised Code, to the Superintendent's Examination Fund

(Fund 555), established by section 3901.071 of the Revised Code, only for the expenses incurred in examining domestic fraternal benefit societies as required by section 3921.28 of the Revised Code.

SECTION 63. JFS DEPARTMENT OF JOB AND FAMILY SERVICES

General Revenue Fund

GRF 600-100	Personal Services				
	State	\$	56,614,143	\$	58,715,838
	Federal	\$	18,645,558	\$	19,317,882
	Personal Services Total	\$	75,259,701	\$	78,033,720
GRF 600-200	Maintenance				
	State	\$	30,439,164	\$	24,320,541
	Federal	\$	7,295,237	\$	5,828,810
	Maintenance Total	\$	37,734,401	\$	30,149,351
GRF 600-300	Equipment				
	State	\$	5,469,830	\$	979,504
	Federal	\$	179,026	\$	32,059
	Equipment Total	\$	5,648,856	\$	1,011,563
GRF 600-402	Electronic Benefits Transfer (EBT)				
	State	\$	7,551,305	\$	7,715,079
	Federal	\$	7,551,305	\$	7,715,079
	EBT Total	\$	15,102,610	\$	15,430,158
GRF 600-410	TANF State	\$	268,636,561	\$	268,619,061
GRF 600-413	Day Care Match/Maintenance of Effort	\$	84,120,606	\$	84,120,606
GRF 600-416	Computer Projects				
	State	\$	137,583,171	\$	142,908,736
	Federal	\$	32,665,206	\$	34,770,353
	Computer Projects Total	\$	170,248,377	\$	177,679,089
GRF 600-420	Child Support Administration	\$	7,919,511	\$	7,885,309
GRF 600-426	Children's Health Insurance Plan (CHIP)				
	State	\$	13,571,338	\$	15,770,373
	Federal	\$	33,535,007	\$	38,968,860
	CHIP Total	\$	47,106,345	\$	54,739,233
GRF 600-427	Child and Family Services Activities	\$	7,189,086	\$	7,000,427
GRF 600-435	Unemployment Compensation Review Commission	\$	3,759,151	\$	3,785,380
GRF 600-436	Medicaid Systems Enhancements	\$	4,445,384	\$	1,853,611
GRF 600-502	Child Support Match	\$	17,383,992	\$	16,814,103
GRF 600-504	Non-TANF County Administration	\$	70,554,373	\$	68,697,679
GRF 600-511	Disability Assistance/Other Assistance	\$	84,662,017	\$	98,152,408
GRF 600-512	Non-TANF Emergency Assistance	\$	1,079,000	\$	1,079,000
GRF 600-525	Health Care/Medicaid State	\$	2,908,181,745	\$	3,112,834,875

	Federal	\$	4,174,579,446	\$	4,460,972,607
	Health Care Total	\$	7,082,761,191	\$	7,573,807,482
GRF 600-527	Child Protective Services	\$	59,592,059	\$	64,047,479
GRF 600-528	Adoption Services				
	State	\$	33,085,023	\$	37,697,562
	Federal	\$	32,158,564	\$	36,641,941
	Adoption Services Total	\$	65,243,587	\$	74,339,503
GRF 600-534	Adult Protective Services	\$	2,850,975	\$	2,775,950
GRF 600-552	County Social Services	\$	11,354,550	\$	11,055,746
TOTAL GRF General Revenue Fund					
	State	\$	3,816,042,984	\$	4,036,829,267
	Federal	\$	4,306,609,349	\$	4,604,247,591
	GRF Total	\$	8,122,652,333	\$	8,641,076,858
General Services Fund Group					
4A8 600-658	Child Support Collections	\$	42,389,027	\$	42,389,027
4R4 600-665	BCII Service Fees	\$	124,522		136,974
5C9 600-671	Medicaid Program Support	\$	50,846,239	\$	59,226,893
5R1 600-677	County Computers	\$	5,000,000	\$	5,000,000
613 600-645	Training Activities	\$	1,462,626	\$	1,157,525
TOTAL GSF General Services					
	Fund Group	\$	99,822,414	\$	107,910,419
Federal Special Revenue Fund Group					
3A2 600-641	Emergency Food Distribution	\$	2,018,844	\$	2,018,844
3D3 600-648	Children's Trust Fund Federal	\$	2,040,524	\$	2,040,524
3F0 600-623	Health Care Federal	\$	260,504,926	\$	281,562,040
3F0 600-650	Hospital Care Assurance	\$	320,551,643	\$	332,807,785
	Match				
3G5 600-655	Interagency Reimbursement	\$	852,461,818	\$	860,986,436
3G9 600-657	Special Activities Self Sufficiency	\$	522,500	\$	190,000
3H7 600-617	Day Care Federal	\$	299,156,430	\$	337,848,130
3N0 600-628	IV-E Foster Care Maintenance	\$	152,981,760	\$	173,963,142
3S5 600-622	Child Support Projects	\$	534,050	\$	534,050
3V0 600-688	Workforce Investment Act	\$	128,476,093	\$	128,476,093
3V4 600-678	Federal Unemployment Programs	\$	74,025,525	\$	74,025,525
3V4 600-679	Unemployment Compensation Review Commission - Federal	\$	2,286,421	\$	2,286,421
3V6 600-689	TANF Block Grant	\$	654,410,661	\$	677,098,311
3V6 600-690	Wellness	\$	14,337,515	\$	14,337,515
316 600-602	State and Local Training	\$	10,166,587	\$	10,325,460
327 600-606	Child Welfare	\$	34,594,191	\$	34,592,977
331 600-686	Federal Operating	\$	41,600,896	\$	41,640,897
365 600-681	JOB Training Program	\$	25,000,000	\$	5,469,259
384 600-610	Food Stamps and State Administration	\$	160,371,358	\$	161,716,857
385 600-614	Refugee Services	\$	4,388,503	\$	4,559,632
395 600-616	Special Activities/Child and Family Services	\$	9,491,000	\$	9,491,000
396 600-620	Social Services Block Grant	\$	51,195,100	\$	51,297,478
397 600-626	Child Support	\$	248,001,590	\$	247,353,041
398 600-627	Adoption Maintenance/Administration	\$	277,806,175	\$	341,298,661

TOTAL FED Federal Special Revenue Fund Group		\$	3,626,924,110	\$	3,795,920,078
State Special Revenue Fund Group					
198 600-647 Children's Trust Fund	\$	4,368,785	\$	4,379,333	
3W3 600-695 Adult Protective Services	\$	120,227	\$	120,227	
3W3 600-696 Non-TANF Adult Assistance	\$	1,000,000	\$	1,000,000	
3W8 600-638 Hippy Program	\$	62,500	\$	62,500	
3W9 600-640 Adoption Connection	\$	50,000	\$	50,000	
4A9 600-607 Unemployment Compensation Admin Fund	\$	9,420,000	\$	9,420,000	
4E3 600-605 Nursing Home Assessments	\$	95,511	\$	95,511	
4E7 600-604 Child and Family Services Collections	\$	145,805	\$	149,450	
4F1 600-609 Foundation Grants/Child and Family Services	\$	116,400	\$	119,310	
4J5 600-613 Nursing Facility Bed Assessments	\$	31,179,798	\$	31,279,798	
4J5 600-618 Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	
4K1 600-621 ICF/MR Bed Assessments	\$	21,604,331	\$	22,036,418	
4R3 600-687 Banking Fees	\$	592,937	\$	592,937	
4V2 600-612 Child Support Activities	\$	124,993	\$	124,993	
4Z1 600-625 HealthCare Compliance	\$	10,000,000	\$	10,000,000	
5A5 600-685 Unemployment Benefit Automation	\$	19,607,027	\$	13,555,667	
5E6 600-634 State Option Food Stamps	\$	6,000,000	\$	6,000,000	
5P4 600-691 TANF Child Welfare	\$	7,500,000	\$	7,500,000	
5P5 600-692 Health Care Services	\$	223,847,498	\$	255,386,713	
5R2 600-608 Medicaid-Nursing Facilities	\$	59,462,415	\$	79,283,220	
651 600-649 Hospital Care Assurance Program Fund	\$	222,480,109	\$	233,384,431	
TOTAL SSR State Special Revenue Fund Group	\$	633,478,336	\$	690,240,508	
Agency Fund Group					
192 600-646 Support Intercept - Federal	\$	80,000,000	\$	82,000,000	
5B6 600-601 Food Stamp Intercept	\$	5,283,920	\$	5,283,920	
583 600-642 Support Intercept - State	\$	20,162,335	\$	20,565,582	
TOTAL AGY Agency Fund Group	\$	105,446,255	\$	107,849,502	
Holding Account Redistribution Fund Group					
R12 600-643 Refunds and Audit Settlements	\$	200,000	\$	200,000	
R13 600-644 Forgery Collections	\$	700,000	\$	700,000	
TOTAL 090 Holding Account Redistribution Fund Group	\$	900,000	\$	900,000	
TOTAL ALL BUDGET FUND GROUPS	\$	12,589,223,448	\$	13,343,897,365	

SECTION 63.01. JOB AND FAMILY SERVICES REPORT TO THE GENERAL ASSEMBLY

In addition to other reporting requirements established in the Revised Code, the Department of Job and Family Services shall, not later than June

30, 2002, at the request of the Finance and Appropriations Committee of the House of Representatives, report to the General Assembly on the department's performance in carrying out its mission and include in the report at least the following: the long-term planning and vision for the various elements of the Department of Job and Family Services, and an analysis of the fund balances and cash flow in the department's budget.

SECTION 63.02. DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES TITLE IV-A TREATMENT AND MENTORING PROGRAM

There is hereby established the Title IV-A Treatment and Mentoring Program to be administered by the Department of Alcohol and Drug Addiction Services in accordance with an interagency agreement entered into with the Department of Job and Family Services under division (B)(2) of section 5101.801 of the Revised Code, except that division (C)(4) of that section shall not apply. The program shall provide benefits and services to TANF-eligible individuals with incomes at or below 200 per cent of the federal poverty guidelines under a Title IV-A program pursuant to the requirements of section 5101.801 of the Revised Code. Upon approval by the Department of Job and Family Services, the Department of Alcohol and Drug Addiction Services shall adopt rules establishing program requirements for eligibility, services, fiscal accountability, and other criteria necessary to comply with the provisions of Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. Each fiscal year, the Director of Budget and Management shall transfer \$3,500,000 in appropriation authority from appropriation item 600-410, TANF State, to State Special Revenue Fund 5B7 appropriation item 038-629, TANF Transfer-Treatment, and \$1,500,000 in appropriation authority from appropriation item 600-410, TANF State, to State Special Revenue Fund 5E8 appropriation item 038-630, TANF Transfer-Mentoring, in the Department of Alcohol and Drug Addiction Services.

SECTION 63.03. DISABILITY ASSISTANCE

The following schedule shall be used to determine monthly grant levels in the Disability Assistance Program effective July 1, 2001.

Persons in Assistance Group	Monthly Grant
1	\$115
2	159

3	193
4	225
5	251
6	281
7	312
8	361
9	394
10	426
11	458
12	490
13	522
14	554
For each additional person add	40

SECTION 63.04. ADULT EMERGENCY ASSISTANCE PROGRAM

Appropriations in appropriation item 600-512, Non-TANF Emergency Assistance, in each fiscal year shall be used for the Adult Emergency Assistance Program established under section 5101.86 of the Revised Code.

SECTION 63.05. HEALTH CARE/MEDICAID

The foregoing appropriation item 600-525, Health Care/Medicaid, shall not be limited by the provisions of section 131.33 of the Revised Code.

SECTION 63.06. CHILD SUPPORT COLLECTIONS/TANF MOE

The foregoing appropriation item 600-658, Child Support Collections, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of Pub. L. No. 104-193. After the state has met the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600-658 to support public assistance activities.

SECTION 63.07. MEDICAID PROGRAM SUPPORT FUND - STATE

The foregoing appropriation item 600-671, Medicaid Program Support, shall be used by the Department of Job and Family Services to pay for Medicaid services and contracts.

SECTION 63.08. HOSPITAL CARE ASSURANCE MATCH FUND

Appropriation item 600-650, Hospital Care Assurance Match, shall be used by the Department of Job and Family Services in accordance with division (B) of section 5112.18 of the Revised Code.

SECTION 63.09. TANF
TANF COUNTY INCENTIVES

Of the foregoing appropriation item 600-689, TANF Block Grant, the Department of Job and Family Services may provide financial incentives to those county departments of job and family services that have exceeded performance standards adopted by the state department, and where the board of county commissioners has entered into a written agreement with the state department under section 5101.21 of the Revised Code governing the administration of the county department. Any financial incentive funds provided pursuant to this division shall be used by the county department for additional or enhanced services for families eligible for assistance under Chapter 5107. or benefits and services under Chapter 5108. of the Revised Code or, on request by the county and approval by the Department of Job and Family Services, be transferred to the Child Care and Development Fund or the Social Services Block Grant. The county departments of job and family services may retain and expend such funds without regard to the state or county fiscal year in which the financial incentives were earned or paid. Each county department of job and family services shall file an annual report with the Department of Job and Family Services providing detailed information on the expenditure of these financial incentives and an evaluation of the effectiveness of the county department's use of these funds in achieving self-sufficiency for families eligible for assistance under Chapter 5107. or benefits and services under Chapter 5108. of the Revised Code.

TANF YOUTH DIVERSION PROGRAMS

Of the foregoing appropriation item 600-689, TANF Block Grant, \$19,500,000 in each fiscal year shall be allocated by the Department of Job and Family Services to the counties according to the allocation formula established in division (D) of section 5101.14 of the Revised Code. Of the funds allocated to each county, up to half may be used for contract or county-provided services for unruly and misdemeanor diversionary programs. The juvenile court in each county shall have a right of first refusal for the use of these funds for the purpose of juvenile diversion activities in accordance with the county's comprehensive joint service plan, as provided by divisions (C), (D), and (E) of section 121.37 of the Revised Code.

The remaining funds not allocated for use in juvenile diversion activities

may be used by the county for other contract or county-provided child welfare services. In counties with separate departments of job and family services and public children services agencies, the county department of job and family services shall serve as a pass through to the public children services agencies for these funds. Separate public children services agencies receiving such funds shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan, and are responsible for payment of any adverse audit finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity concerning these funds.

Of the foregoing \$19,500,000 set aside, any funds remaining unspent on June 30, 2002, shall be carried forward and added to the earmark for fiscal year 2003, and allocated to the counties according to the allocation formula established in division (D) of section 5101.14 of the Revised Code.

KINSHIP NAVIGATORS

Of the foregoing appropriation item 600-689, TANF Block Grant, up to \$3 million in each fiscal year shall be allocated by the Department of Job and Family Services to county departments of job and family services for the purpose of making allocations to local public children services agencies to provide services in the Kinship Navigation program. The allocation to county departments of job and family services shall be based on the number of Ohio works first cases in the county, and the number of children seventeen years of age or younger in the county. The Department of Job and Family Services shall develop an appropriate method of reallocating these funds in each fiscal year among the county departments of job and family services, if they would otherwise be unspent.

TANF FAITH-BASED CAPACITY-BUILDING PROGRAMS

From the foregoing appropriation item 600-689, TANF Block Grant, up to \$1,000,000 in each fiscal year shall be used to support capacity-building efforts among faith-based organizations, for the purpose of providing allowable services to TANF-eligible individuals. Organizations receiving these funds shall comply with all TANF requirements, and shall agree with the Department of Job and Family Services on reporting requirements to be incorporated into the grant agreement.

TANF EDUCATION

Not later than July 15, 2002, the Director of Budget and Management shall transfer \$35,000,000 in appropriation authority from appropriation item 600-689, TANF Block Grant (Fund 3V6), to Fund 3W6, TANF Education, in the Department of Education, which is created in the State

Treasury. The transferred funds shall be used for the purpose of providing allowable services to TANF-eligible individuals.

Not later than July 15, 2001, the Director of Budget and Management shall transfer \$76,156,175 from Fund 3V6, TANF Block Grant, to Fund 3W6, TANF Education, in the Department of Education. Not later than July 15, 2002, the Director of Budget and Management shall transfer \$98,843,825 from Fund 3V6, TANF Block Grant, to Fund 3W6, TANF Education, in the Department of Education. The transferred funds shall be used for the purpose of providing allowable services to TANF-eligible individuals. The Department of Education shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan, and is responsible for payment of any adverse audit finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity concerning these funds.

**COUNTY DEPARTMENTS OF JOB AND FAMILY SERVICES
TITLE IV-A ADULT LITERACY AND CHILD READING PROGRAMS**

There is hereby established the Title IV-A Adult Literacy and Child Reading Program to be administered by the county departments of job and family services in accordance with division (B)(1) of section 5101.801 of the Revised Code. The program shall provide benefits and services to TANF-eligible individuals with incomes at or below 200 per cent of the federal poverty guidelines under a Title IV-A program pursuant to the requirements of section 5101.801 of the Revised Code. The county departments of job and family services shall ensure program requirements for eligibility, services, fiscal accountability, and other criteria necessary to comply with the provisions of Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, and ensure that benefits and services are 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." From the foregoing appropriation item 600-689, TANF Block Grant, up to \$5,000,000 in each fiscal year shall be used to support local adult literacy and child reading programs.

TALBERT HOUSE

In each fiscal year, the Director of Job and Family Services shall provide \$100,500 from appropriation item 600-689, TANF Block Grant, to the Hamilton County Department of Job and Family Services to contract with the Talbert House for the purpose of providing allowable services to

TANF-eligible individuals with incomes at or below 200 per cent of the federal poverty guidelines. The contract between the Hamilton County Department of Job and Family Services and the Talbert House shall establish conditions for the reimbursement of allowable Title IV-A expenditures for services that are 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." The contract shall also require Talbert House to comply with requirements of Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, including eligibility of individuals, reporting requirements, allowable benefits and services, use of funds, and audit requirements, as specified in state and federal laws, federal regulations, state rules, federal Office of Management and Budget circulars, and the Title IV-A state plan.

MONTGOMERY COUNTY OUT-OF-SCHOOL YOUTH PROJECT

In each fiscal year, the Director of Job and Family Services shall provide \$1,000,000 from appropriation item 600-689, TANF Block Grant, to the Montgomery County Department of Job and Family Services to be used to support the Out-of-School Youth Project in Montgomery County for the purpose of providing allowable services to TANF-eligible individuals. The Montgomery County Department of Job and Family Services and the Sinclair Community College shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan.

APPALACHIAN WORKFORCE DEVELOPMENT AND JOB TRAINING

From the foregoing appropriation item 600-689, TANF Block Grant, the Director of Job and Family Services shall provide up to \$15,000,000 in each fiscal year to be awarded to the county departments of job and family services in the twenty-nine Appalachian counties, contingent upon passage of H.B. 6 of the 124th General Assembly. These funds shall be used by the county departments of job and family services in coordination with the Governor's Office of Appalachia, the Governor's Regional Economic Office, and local development districts. These funds shall be used for the following activities: workforce development and supportive services; economic development; technology expansion, technical assistance, and training; youth job training; organizational development for workforce development partners; and improving existing technology centers, workforce development, job creation and retention, purchasing technology, and

technology and technology infrastructure upgrades.

As a condition on the use of these funds, each county department of job and family services shall submit a plan for the intended use of these funds to the Department of Job and Family Services. The plan shall also be reviewed by the Governor's Office of Appalachia, the Governor's Regional Economic Office, and local development districts. Also as a condition on the use of these funds, each county and contract agency shall acknowledge that these funds are a one-time allocation, not intended to fund services beyond September 30, 2002.

In fiscal year 2002, the TANF allocation to each of the Appalachian counties shall not be less than the TANF allocation amount for fiscal year 2001, as allocated according to the methodology set forth in paragraph (I) of rule 5101-6-03 of the Administrative Code.

The use of these funds shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan.

CENTER FOR FAMILY AND CHILDREN

Of the foregoing appropriation item 600-689, TANF Block Grant, \$150,000 in fiscal year 2002 shall be provided to the Center for Family and Children.

DYS COMPREHENSIVE STRATEGIES

No later than July 15, 2001, the Director of Budget and Management shall transfer \$5,000,000 in appropriation authority from appropriation item 600-689, TANF Block Grant, to Federal Special Revenue Fund 321 appropriation item 470-614, TANF Transfer - Comprehensive Strategies, in the Department of Youth Services. These funds shall be used by the Department of Youth Services to make grants to local communities to establish models of inter-system collaboration to prevent children from entering the juvenile justice system. In making the grants, the Department of Youth Services shall require that grantees use the funds only to plan, develop, or enhance collaborative models. Funds provided to grantees may not be used for any type of direct or purchased services. The Department of Youth Services shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan, and is responsible for payment of any adverse audit finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity concerning these funds.

TANF TRANSFER DOWN PAYMENT ASSISTANCE AND FAMILY SHELTER PROGRAM

No later than July 15, 2001, the Director of Budget and Management shall transfer \$5,200,000 in appropriation authority from appropriation item 600-689, TANF Block Grant, to appropriation item 195-497, CDBG Operating Match, in the Department of Development. No later than July 15, 2002, the Director of Budget and Management shall transfer \$6,500,000 in appropriation authority from appropriation item 600-689, TANF Block Grant, to appropriation item 195-497, CDBG Operating Match, in the Department of Development. These funds shall be used to provide supportive services for low-income families related to housing or homelessness, including housing counseling; to provide grants to nonprofit organizations to assist families with incomes at or below 200 per cent of the federal poverty guidelines with down-payment assistance for homeownership, including the purchase of mobile homes; to provide emergency home repair funding for families with incomes at or below 200 per cent of the federal poverty guidelines; to provide operating support for family emergency shelter programs; and to provide emergency rent and mortgage assistance for families with incomes at or below 200 per cent of the federal poverty guidelines. The funds shall not be used to match federal funds. The Department of Development shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan, and is responsible for payment of any adverse audit finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity concerning these funds.

TANF FAMILY PLANNING

The Director of Budget and Management shall transfer by intrastate voucher, no later than the fifteenth day of July of each fiscal year, cash from the General Revenue Fund, appropriation item 600-410, TANF State, to General Services Fund 5C1 in the Department of Health, in an amount of \$250,000 in each fiscal year for the purpose of family planning services for children or their families whose income is at or below 200 per cent of the official poverty guideline.

TANF FEDERAL BLOCK GRANT FUNDS AND TRANSFERS

From the foregoing appropriation items 600-410, TANF State; 600-658, Child Support Collections; or 600-689, TANF Block Grant, or a combination of these appropriation items, no less than \$369,040,735 in each fiscal year shall be allocated to county departments of job and family services as follows:

County Allocations	\$276,586,957
WIA Supplement	\$35,109,178

Early Start - Statewide	\$38,034,600
Transportation	\$5,000,000
County Training	\$3,050,000
Adult Literacy and Child Reading Programs	\$5,000,000
Disaster Relief	\$5,000,000
School Readiness Centers	\$1,260,000

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 Block Grant as permitted under federal law. Not later than July 15, 2001, the Department of Job and Family Services shall draw \$60,000,000 in receipts from TANF funds that were transferred into the Social Services Block Grant into State Special Revenue Fund 5Q8, in the Office of Budget and Management. Not later than June 1, 2002, the Director of Budget and Management shall determine the amount of funds in State Special Revenue Fund 5Q8 that is needed for the purpose of balancing the General Revenue Fund, and may transfer that amount to the General Revenue Fund. Not later than June 1, 2003, the Director of Budget and Management shall determine the amount of funds in State Special Revenue Fund 5Q8 that is needed for the purpose of balancing the General

Revenue Fund, and may transfer that amount to the General Revenue Fund. Any moneys remaining in State Special Revenue Fund 5Q8 on June 15, 2003, shall be transferred not later than June 20, 2003, to Fund 3V6, TANF Block Grant, in the Department of Job and Family Services.

Before the thirtieth day of September of each fiscal year, the Department of Job and Family Services shall file claims with the United States Department of Health and Human Services for reimbursement for all allowable expenditures for services provided by the Department of Job and Family Services, or other agencies that may qualify for Social Services Block Grant funding pursuant to Title XX of the Social Security Act. The Department of Job and Family Services shall deposit, during each fiscal year, into Fund 5E6, State Option Food Stamps, \$6 million, into Fund 5P4, TANF Child Welfare, \$7.5 million, into Fund 3W5, Health Care Services, \$500,000, into Fund 3W8, Hippy Program, \$62,500, and into Fund 3W9, Adoption Connection, \$50,000 and deposit in fiscal year 2002, into Fund 3W2, Title XX Vocational Rehabilitation, \$600,000, into Fund 162 in the Department of Natural Resources, \$7,885,349, and into Fund 3W3, Adult Special Needs, \$4,720,227 and deposit in fiscal year 2003, into Fund 3W2, Title XX Vocational Rehabilitation, \$897,052, into Fund 162 in the Department of Natural Resources, \$8,058,715, and into Fund 3W3, Adult Special Needs, \$4,720,227 in receipts from TANF Block Grant funds credited to the Social Services Block Grant. On verification of the receipt of the above revenue, the funds provided by these transfers shall be used as follows:

Fund 5E6	
Second Harvest Food Bank	\$4,500,000
Child Nutrition Services	\$900,000
Ohio Alliance of Boys and Girls Clubs	\$600,000
Fund 5P4	
Support and Expansion for PCSA Activities	\$5,500,000
Pilot Projects for Violent and Aggressive Youth	\$2,000,000
Fund 3W2	
Title XX Vocational Rehabilitation in fiscal year 2002	\$600,000
Title XX Vocational Rehabilitation in fiscal year 2003	\$897,052
Fund 3W3	
Adult Protective Services in fiscal year 2002	\$120,227
Adult Protective Services in fiscal year 2003	\$120,227
Non-TANF Adult Assistance in fiscal year 2002	\$1,000,000

Non-TANF Adult Assistance in fiscal year 2003	\$1,000,000
Community-Based Correctional Facilities in fiscal year 2002	\$3,600,000
Community-Based Correctional Facilities in fiscal year 2003	\$3,600,000
Fund 162	
CCC Operations in fiscal year 2002	\$7,885,349
CCC Operations in fiscal year 2003	\$8,058,715
Fund 3W5	
Abstinence-only Education	\$500,000
Fund 3W8	
Hippy Program	\$62,500
Fund 3W9	
Adoption Connection	\$50,000
WELLNESS	

The foregoing appropriation item 600-690, Wellness, shall be used by county departments of job and family services for teen pregnancy prevention programming. Local contracts shall be developed between county departments of job and family services and local family and children first councils for the administration of TANF funding for this program.

SECTION 63.10. OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS

The Department of Job and Family Services may use up to \$4,500,000 of appropriation item 600-634, State Options Food Stamps (Fund 5E6), in each fiscal year of the biennium to support expenditures to the Ohio Association of Second Harvest Food Banks pursuant to the following criteria.

As used in this section, "federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

The Department of Job and Family Services shall provide an annual grant of \$4,500,000 in each of the fiscal years 2002 and 2003 to the Ohio Association of Second Harvest Food Banks. In each fiscal year, the Ohio Association of Second Harvest Food Banks shall use \$2,500,000 for the purchase of food products for the Ohio Food Program, of which up to \$105,000 may be used for food storage and transport, and shall use \$2,000,000 for the Agricultural Surplus Production Alliance Project. Funds provided for the Ohio Food Program shall be used to purchase food products and distribute those food products to agencies participating in the emergency food distribution program. No funds provided through this grant

may be used for administrative expenses other than funds provided for food storage and transport. As soon as possible after entering into a grant agreement at the beginning of the fiscal year, the Department of Job and Family Services shall distribute the grant funds in one single payment. The Ohio Association of Second Harvest Food Banks shall develop a plan for the distribution of the food products to local food distribution agencies. Agencies receiving these food products shall ensure that individuals and families who receive any of the food products purchased with these funds have an income at or below 150 per cent of the federal poverty guidelines. The Department of Job and Family Services and the Ohio Association of Second Harvest Food Banks shall agree on reporting requirements to be incorporated into the grant agreement.

The Ohio Association of Second Harvest Food Banks shall return any fiscal year 2002 funds from this grant remaining unspent on June 30, 2002, to the Department of Job and Family Services no later than November 1, 2002. The Ohio Association of Second Harvest Food Banks shall return any fiscal year 2003 funds from this grant remaining unspent on June 30, 2003, to the Department no later than November 1, 2003.

SECTION 63.11. CHILD NUTRITION SERVICES

The Department of Job and Family Services may use up to \$900,000 in each fiscal year of appropriation item 600-634, State Option Food Stamps(Fund 5E6), to support Child Nutrition Services in the Department of Education. As soon as possible after the effective date of this section, the Department of Job and Family Services shall enter into an interagency agreement with the Department of Education to reimburse the 19 pilot programs that provide nutritional evening meals to adolescents 13 through 18 years of age participating in educational or enrichment activities at youth development centers. Such funds shall not be used as matching funds. Eligibility and reporting guidelines shall be detailed in the interagency agreement.

OHIO ALLIANCE OF BOYS AND GIRLS CLUBS

Of the foregoing appropriation item 600-634, State Option Food Stamps (Fund 5E6), the Department of Job and Family Services shall use up to \$600,000 in each fiscal year to support expenditures of the Ohio Alliance of Boys and Girls Clubs to provide nutritional meals, snacks, and educational and enrichment services, including tutoring, homework assistance, and standardized achievement test preparation, to children participating in programs and activities operated by eligible Boys and Girls Clubs. The Ohio Alliance of Boys and Girls Clubs shall provide allowable services to Title

XX eligible children.

As soon as possible after entering into a grant agreement at the beginning of the fiscal year, the Department of Job and Family Services shall distribute the grant funds in one single payment. The Ohio Alliance of Boys and Girls Clubs shall return any fiscal year 2002 funds from this grant remaining unspent on June 30, 2002, to the Department of Job and Family Services not later than November 1, 2002. The Ohio Alliance of Boys and Girls Clubs shall return any fiscal year 2003 funds from this grant remaining unspent on June 30, 2003, to the Department of Job and Family Services not later than November 1, 2003.

SECTION 63.12. PRESCRIPTION DRUG REBATE FUND

The foregoing appropriation item 600-692, Health Care Services, shall be used by the Department of Job and Family Services in accordance with section 5111.081 of the Revised Code.

SECTION 63.13. MEDICAID PHARMACY SERVICES FOR NURSING HOME RESIDENTS

(A) As used in this section:

(1) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(2) "Pharmacy provider" has the same meaning as in rule 5101:3-9-01 of the Administrative Code.

(3) "Wholesale acquisition cost" is the cost of a particular drug estimated by the Department of Job and Family Services by periodic review of pricing information from drug wholesalers in this state, pharmaceutical manufacturers, and one or more pharmacy pricing update services.

(B) During the first quarter of the biennium ending June 30, 2003, a pharmacy provider shall be reimbursed for the pharmacy services provided to a Medicaid recipient who resides in a nursing home at a rate of the wholesale acquisition cost plus nine per cent plus any applicable dispensing fee. During each quarter of the biennium thereafter, the pharmacy provider shall be reimbursed for such services at a rate determined by comparing the provider's average monthly cost of providing such services in the immediately preceding quarter to the statewide average monthly cost of providing such services on March 31, 2001. The Department of Job and Family Services shall make the comparison at the end of each quarter of the biennium and shall take into account an adequate factor for inflation in the cost of drugs.

If the provider's average monthly cost of such services in the quarter being examined is equal to or greater than the statewide average monthly cost of such services on March 31, 2001, the provider shall be reimbursed at a rate of the wholesale acquisition cost plus nine per cent plus any applicable dispensing fee. If the provider's average monthly cost of such services is less than the statewide average monthly cost of such services on March 31, 2001, the provider shall be reimbursed at a rate of the wholesale acquisition cost plus eleven per cent, plus any applicable dispensing fee, plus fifty per cent of the difference between the provider's average monthly cost of such services and the statewide average monthly cost of such services on March 31, 2001.

(C) A pharmacy provider may achieve a reduction in its average monthly cost of providing services to a Medicaid recipient who resides in a nursing home by providing consulting services to the physicians who prescribe drugs to the resident. These consulting services may include recommendations for eliminating unnecessary and duplicative drugs, modifying inefficient drug regimens, and implementing safe and cost-effective drug therapies.

(D) The Department may adopt any rules it considers necessary to develop and administer this section. If rules are adopted, the rules shall be adopted in accordance with Chapter 119. of the Revised Code.

SECTION 63.14. ODJFS FUNDS

AGENCY FUND GROUP

The Agency Fund Group shall be used to hold revenues until the appropriate fund is determined or until they are directed to the appropriate governmental agency other than the Department of Job and Family Services. If it is determined that additional appropriation authority is necessary, such amounts are appropriated.

HOLDING ACCOUNT REDISTRIBUTION GROUP

The foregoing appropriation items 600-643, Refunds and Audit Settlements, and 600-644, Forgery Collections, Holding Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriation authority is necessary, such amounts are appropriated.

SECTION 63.15. SINGLE ALLOCATION FOR COUNTY DEPARTMENTS OF JOB AND FAMILY SERVICES

Using the foregoing appropriation items 600-504, Non-TANF County Administration; 600-610, Food Stamps and State Administration; 600-410, TANF State; 600-689, TANF Block Grant; 600-620, Social Services Block Grant; 600-552, County Social Services; 600-413, Day Care Match/Maintenance of Effort; 600-617, Day Care Federal; 600-534, Adult Protective Services; and 600-614, Refugees Services, the Department of Job and Family Services may establish a single allocation for county departments of job and family services that are subject to a partnership agreement between a board of county commissioners and the department under section 5101.21 of the Revised Code. The county department is not required to use all the money from one or more of the appropriation items listed in this paragraph for the purpose for which the specific appropriation item is made so long as the county department uses the money for a purpose for which at least one of the other of those appropriation items is made. The county department may not use the money in the allocation for a purpose other than a purpose any of those appropriation items are made. If the spending estimates used in establishing the single allocation are not realized and the county department uses money in one or more of those appropriation items in a manner for which federal financial participation is not available, the department shall use state funds available in one or more of those appropriation items to ensure that the county department receives the full amount of its allocation. The single allocation is the maximum amount the county department shall receive from those appropriation items.

ADULT PROTECTIVE SERVICES

The foregoing appropriation item 600-695, Adult Protective Services, shall be used to provide adult protective services in accordance with section 5101.62 of the Revised Code.

NON-TANF ADULT ASSISTANCE

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.

HIPPY PROGRAM

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.

ADOPTION CONNECTION

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.

SECTION 63.16. TRANSFER OF FUNDS

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 quarterly basis or on a schedule developed and agreed to by both departments.

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.

TRANSFERS OF IMD/DSH CASH

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.

SECTION 63.17. CONSOLIDATION OF STATE GRANTS

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.

Funds contained in any such consolidation grant shall not be subject to either statutory or administrative rules that would otherwise govern allowable uses from such funds, except that such funds shall continue to be used by the county to meet the expenses of its children services program under Chapter 5153. of the Revised Code. Funds contained in a consolidation grant shall be paid to each county within thirty days after the beginning of each calendar quarter. Funds provided to a county under this section shall be deposited in the children services fund, established in section 5101.144 of the Revised Code, and shall be used for no other purpose than to meet the expenses of the children services program. Within ninety days after the end of fiscal year 2003, each county shall return to the Department of Job and Family Services any unspent balance in the consolidated grant, unless this section is renewed for a subsequent period of time.

SECTION 63.18. EMPLOYER SURCHARGE

The surcharge and the interest on the surcharge amounts due for calendar years 1988, 1989, and 1990 as required by Am. Sub. H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 118th General Assembly, and section 4141.251 of the Revised Code as it existed prior to Sub. H.B. 478 of the 122nd General Assembly, again shall be assessed and collected by, accounted for, and made available to the Department of Job and Family Services in the same manner as set forth in section 4141.251 of the Revised Code as it existed prior to Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the repeal of the surcharge for calendar years after 1990, pursuant to Sub. H.B. 478 of the 122nd General Assembly, except that amounts received by the Director on or after July 1, 2001, shall be deposited into the special administrative fund established pursuant to section 4141.11 of the Revised Code.

Effective July 1, 2001, the balance of the unemployment compensation surcharge trust funds created in custody of the Treasurer of State pursuant to section 4141.251 of the Revised Code shall be transferred into the special administrative fund established pursuant to section 4141.11 of the Revised Code.

SECTION 63.19. OHIO ACCESS SUCCESS PROJECT

(A) As used in this section, "nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

(B) To the extent funds are available as provided in this act, the Director of Job and Family Services may establish the Ohio Access Success Project to help Medicaid recipients make the transition from residing in a nursing facility to residing in a community setting. If the Director establishes the Project, the Director shall provide one-time benefits to not more than seventy-five Medicaid recipients in fiscal year 2002 and not more than one hundred twenty-five Medicaid recipients in fiscal year 2003. To be eligible for benefits under the Project, a Medicaid recipient must satisfy all of the following requirements:

(1) At the time of applying for the benefits, be a recipient of Medicaid-funded nursing facility care;

(2) Have resided continuously in a nursing facility since at least January 1, 2000;

(3) Need the level of care provided by nursing facilities;

(4) Need benefits whose projected cost does not exceed eighty per cent of the average monthly Medicaid cost of individual Medicaid recipients' nursing facility care.

(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:

(1) The first month's rent in a community setting;

(2) Rental deposits;

(3) Utility deposits;

(4) Moving expenses;

(5) Other expenses not covered by the Medicaid program that facilitate a Medicaid recipient's move from a nursing facility to a community setting.

(D) No person may receive more than two thousand dollars worth of benefits under the Ohio Access Success Project.

SECTION 63.20. FUNDING FOR HABILITATIVE SERVICES

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.

SECTION 63.21. FUNDING FOR INSTITUTIONAL FACILITY AUDITS AND THE OHIO ACCESS SUCCESS PROJECT

Notwithstanding any limitations in sections 3721.51 and 3721.56 of the Revised Code, in each fiscal year, cash from the State Special Revenue Fund 4J5, Home and Community-Based Services for the Aged, in excess of the amounts needed for the transfers may be used by the Department of Job and Family Services for the following purposes: (A) up to \$1.0 million in each fiscal year to fund the state share of audits of Medicaid cost reports filed with the Department of Job and Family Services by nursing facilities and intermediate care facilities for the mentally retarded; and (B) up to \$150,000 in fiscal year 2002 and up to \$250,000 in fiscal year 2003 to provide one-time transitional benefits under the Ohio Access Success Project that the Director of Job and Family Services may establish under the section of this act titled "Ohio Access Success Project."

SECTION 63.22. MR/DD WAIVER REDESIGN

(A) The Director of Job and Family Services may submit a request to the United States Secretary of Health and Human Services pursuant to section 1915 of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a Medicaid home and community-based services waiver program, or modify a current Medicaid home and community-based services waiver program, to serve individuals with mental retardation or a developmental disability who meet all of the following requirements:

- (1) Need the level of care provided by intermediate care facilities for the mentally retarded;
- (2) Need habilitation services;
- (3) Are enrolled in the Ohio Home Care Waiver Program on June 30, 2001;
- (4) Are transferred from the Ohio Home Care Waiver Program to the new or modified home and community-based services waiver program.

(B) If the United States Secretary of Health and Human Services grants a waiver request submitted under division (A) of this section, the Director of Job and Family Services may create a new, or modify an existing, home and community-based services waiver program in accordance with the waiver.

The new or modified waiver program shall specify the maximum amount that the program may spend per individual enrolled in the program.

(C) The Director of Job and Family Services may reduce the maximum number of individuals the Ohio Home Care Waiver Program may serve by the number of individuals transferred from that program to the new or modified home and community-based services waiver program provided for by this section.

(D) The Department of Job and Family Services may administer the new or modified home and community-based services waiver program provided for by this section or enter into an interagency agreement with the Department of Mental Retardation and Developmental Disabilities to administer the waiver program under the Department of Job and Family Services' supervision. Such interagency agreement shall specify the maximum number of individuals who may be transferred from the Ohio Home Care Waiver Program to the new, or modified, waiver program and the estimated cost of services under the new, or modified, waiver program to the transferred individuals. The departments may not enter into the interagency agreement without approval of the Director of Budget and Management. If the departments enter into the interagency agreement, the Director of Budget and Management may reduce the amount of the appropriation in line item 600-525, Health Care/Medicaid, by the estimated cost specified in the interagency agreement. If the Director makes the reduction, the state share of the estimated costs are appropriated to the Department of Mental Retardation and Developmental Disabilities in a new appropriation item that shall be established for this purpose. The Director of Budget and Management may increase the appropriation in appropriation item 322-639, Medicaid Waiver, by the corresponding non-GRF federal share of the estimated costs.

SECTION 63.23. MEDICALLY FRAGILE WAIVER REDESIGN

(A) The Director of Job and Family Services may submit a request to the United States Secretary of Health and Human Services pursuant to section 1915 of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a Medicaid home and community-based services waiver program, or modify a current Medicaid home and community-based services waiver program, to serve medically fragile individuals who meet all of the following requirements:

- (1) Need a skilled level of care as defined in rule 5101:3-3-05 of the Administrative Code;
- (2) Are enrolled in the Ohio Home Care Waiver Program on June 30,

2001, or, as limited by division (D) of this section, after that date;

(3) Are transferred from the Ohio Home Care Waiver Program to the new or modified home and community-based services waiver program.

(B) If the United States Secretary of Health and Human Services grants a waiver request submitted under division (A) of this section, the Director of Job and Family Services may create a new, or modify an existing, home and community-based services waiver program in accordance with the waiver. The new or modified waiver program shall specify the maximum amount that the program may spend per individual enrolled in the program. The Department of Job and Family Services shall administer the waiver program.

(C) The Director of Job and Family Services may reduce the maximum number of individuals the Ohio Home Care Waiver Program may serve by the number of individuals transferred from that program to the new or modified home and community-based services waiver program provided for by this section.

(D) No more than a number, approved by the Director of Budget and Management, of individuals who enroll in the Ohio Home Care Waiver Program after June 30, 2001, may transfer to the new or modified waiver program provided for by this section.

SECTION 63.24. MEDICAID WAIVER

(A) With the assistance of the Department of Mental Health and after consulting with community mental health facilities that provide mental health services included in the state Medicaid plan pursuant to section 5111.022 of the Revised Code and with the chairpersons and ranking minority members of the House of Representatives Health and Family Services Committee and the Senate Health, Human Services, and Aging Committee, the Department of Job and Family Services shall develop and submit to the Health Care Financing Administration of the United States Department of Health and Human Services an application for a waiver under which any of the federal Medicaid statutes and regulations that are subject to being waived may be waived as necessary for purposes of better ensuring both of the following:

(1) That Medicaid coverage and payment methods for mental health services provided under section 5111.022 of the Revised Code are consistent with the service priorities established pursuant to Chapters 340. and 5119. of the Revised Code;

(2) That the services provided under section 5111.022 of the Revised Code can be provided in a manner that maximizes the effectiveness of

resources available to the Department of Mental Health and boards of alcohol, drug addiction, and mental health services.

(B) The actions taken by the Department of Mental Health and Department of Job and Family Services to develop and submit the application for the waiver specified in division (A) of this section shall be taken in a manner that allows the provisions of the waiver to be implemented not later than July 1, 2002.

SECTION 63.25. REFUND OF SETS PENALTY

The Department of Job and Family Services shall notify the Controlling Board immediately on receipt of any refunds for penalties that were paid directly or indirectly by the state for the Support Enforcement Tracking System (SETS). Any and all refunds received for such penalties shall be deposited in their entirety to the General Revenue Fund.

SECTION 63.26. As used in this section, "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

A rule adopted by the Director of Job and Family Services governing a Medicaid waiver component that is in effect on the effective date of this section shall remain in effect until amended or rescinded as part of the adoption of rules under section 5111.85 of the Revised Code.

The rule of this act that items in uncodified sections do not have effect after June 30, 2003, does not apply to this section.

SECTION 63.27. The Health Care Compliance Fund created by section 5111.171 of the Revised Code is the same fund as the Health Care Compliance Fund created by the Controlling Board in October 1998.

SECTION 63.28. Not later than February 28, 2002, 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 provide for the Department of Job and Family Services to continue the Program of All-Inclusive Care for the Elderly, known as PACE, in accordance with 42 U.S.C. 1396u-4. The Director may submit to the United States Secretary of Health and Human Services application for program agreements to operate the PACE program in accordance with 42 U.S.C. 1396u-4. The Director shall consider and, in the absence of just cause for refusal, shall give preference to, Condordia Care and TriHealth Senior Link, when determining

the entities for which the first two PACE applications shall be submitted. The Director may submit to the United States Secretary a request to transfer the day-to-day administration of PACE to the Department of Aging. If the United States Secretary approves the amendment, the Directors of Job and Family Services and Aging may enter into an interagency agreement under section 5111.86 of the Revised Code to transfer responsibility for the day-to-day administration of PACE from the Department of Job and Family Services to the Department of Aging. The interagency agreement is subject to the approval of the Director of Budget and Management and shall include an estimated cost of services to be provided under PACE and an estimated cost for the administrative duties assigned by the agreement to the Department of Aging.

If the Directors of Job and Family Services and Aging enter into the interagency agreement, the Director of Budget and Management shall reduce the amount in appropriation item 600-525, Health Care/Medicaid, by the estimated costs of PACE services and an estimated cost for the administrative duties assigned by the agreement to the Department of Aging included in the interagency agreement. If the Director of Budget and Management makes the reduction, the state and federal share of the estimated costs of PACE services and administration is hereby appropriated to the Department of Aging. The Director of Budget and Management shall establish a new appropriation item for the appropriation.

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 living services under the John H. Chafee Foster Care Independence Program.

SECTION 63.31. The Director of Job and Family Services may apply to the United States Secretary of Health and Human Services for approval to increase the number of slots for the Individual Options Medicaid home and community-based services waiver program as follows:

(A) For fiscal year 2002, that the waiver program have at least five hundred more slots than the waiver program had in fiscal year 2001;

(B) For fiscal year 2003, that the waiver program have at least five hundred more slots than the waiver program had in fiscal year 2002.

SECTION 63.32. PREFERRED OPTION EVALUATION

The Director of Job and Family Services shall evaluate the Medicaid managed care enrollment alternative known as Preferred Option. As part of the evaluation, the Director shall examine whether Preferred Option should be expanded to additional counties. Not later than June 30, 2003, the Director shall submit a report on the evaluation to the Governor, Speaker of the House of Representatives, and President of the Senate. The Director shall include in the report any findings made pursuant to the evaluation, including the Director's conclusions as to whether Preferred Option should be expanded to additional counties. The Director may not expand Preferred Option to any additional county before the Director submits the report.

SECTION 63.33. (A) The Director of Job and Family Services shall continue operations through each of the local public employment offices described in section 4141.04 of the Revised Code that exist on the effective

date of this section until January 1, 2002.

(B) The Director shall present a detailed report to the members of the Finance and Appropriations Committee of the House of Representatives and of the Finance and Financial Institutions Committee of the Senate on or before October 1, 2001, that describes the Director's plan to cease the Department of Job and Family Services operations at the offices described in division (A) of this section and instead commence operations at telephone registration centers, mail claims centers, and one-stop employment centers. The report shall include all of the following information:

(1) A description of plans to employ personnel for telephone registration centers and mail claims centers, including plans to possibly reassign personnel employed at the offices described in division (A) of this section to the telephone registration centers, mail claims centers, or one-stop employment centers, and a description of model plans and actual plans detailing the manner in which personnel would be employed in each telephone registration center, mail claims center, or one-stop employment center;

(2) A fiscal analysis of the impact of the transition, including all of the following information that is presented in a manner so that the costs described in division (B)(2)(a) of this section can be readily compared to the costs described in division (B)(2)(b) of this section:

(a) The cost of operating the existing offices described in division (A) of this section, including the costs for administration, facilities, and employing personnel;

(b) The number of proposed telephone registration centers and mail claims centers and the projected operational costs of those centers, including, but not limited to, the cost of employing personnel for those centers, the administrative overhead costs of those centers, the initial costs to establish those centers, the long-term costs of maintaining those centers, and the cost of renting facilities for those centers, if rental is necessary.

(3) The estimated cost projections of the initial start-up costs of transitioning from the existing offices described in division (A) of this section to the telephone registration centers, mail claims centers, and one-stop employment centers and the long-term operational costs of both operating those centers and assisting in providing personnel to staff the one-stop employment centers;

(4) Funding projections that clearly indicate the amount of funding expected from federal, state, and local sources for the transition, and for maintaining the telephone registration centers and mail claims centers, and for assisting in providing personnel to staff the one-stop employment

s, with the amounts from each source stated separately;

(5) Steps that the Director plans to take to assist local communities in improving services at one-stop employment centers so that service to unemployed individuals, other job seekers, and employers is not interrupted.

(C) It is the intention of the General Assembly that during the period beginning on the effective date of this section and ending on January 1, 2002, the Director be strongly encouraged to negotiate with boards of county commissioners, local workforce policy boards, and other interested local officials in developing a plan to transfer operations from the offices described in division (A) of this section to telephone registration centers, mail claims centers, and one-stop employment centers. It is also the intention of the General Assembly that those negotiations include a process for agreeing to the division of resources and the allocation of costs between the Department of Job and Family Services, boards of county commissioners, and local workforce policy boards.

SECTION 63.34. CHILD AND FAMILY SERVICES ACTIVITIES

Of the foregoing appropriation item 600-427, Child and Family Services Activities, \$10,000 in each fiscal year shall be provided to the Parmadale Children's Home.

Of the foregoing appropriation item 600-427, Child and Family Services Activities, \$10,000 in each fiscal year shall be provided to the Berea Children's Home.

SECTION 63.35. (A) As used in this section:

(1) "Medicaid days" 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.

(2) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

(3) "Total per diem rate" includes the payments made to nursing facilities under division (B)(3) of the section of this act titled "Nursing Facility Stabilization Fund."

(B) Notwithstanding sections 5111.20 to 5111.32 of the Revised Code, rates paid to nursing facilities under the Medicaid program shall be subject

to the following limitations:

(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.

(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.

(3) If the mean total per diem rate for all nursing facilities in the state for fiscal year 2002 or 2003, weighted by Medicaid days and calculated under sections 5111.20 to 5111.32 of the Revised Code as of the first day of July of the calendar year in which the fiscal year begins, exceeds the amount specified for that fiscal year in division (B)(1) or (2) of this section, the Department of Job and Family Services shall reduce the total per diem rate for each nursing facility in the state by a percentage that is equal to the percentage by which the mean total per diem rate exceeds the amount specified in division (B)(1) or (2) of this section for that fiscal year.

(4) Subsequent to any reduction required by division (B)(1), (2), or (3) of this section, a nursing facility's rate shall be subject to any adjustments required or authorized by sections 5111.20 to 5111.32 of the Revised Code during the remainder of the fiscal year.

(C) Except as follows, the Department of Job and Family Services shall continue to implement rules adopted under sections 5111.02 and 5111.20 to 5111.32 of the Revised Code regarding Medicaid payments to nursing facilities that are in effect on the effective date of this section:

(1) The Department shall not continue to implement a rule that is inconsistent with this act, but shall instead implement this act.

(2) The Department may adopt, amend, or rescind rules under sections 5111.02 and 5111.20 to 5111.32 of the Revised Code as provided by those sections to the extent those sections are consistent with this act.

SECTION 63.36. (A) Notwithstanding division (Q)(1) of section 5111.20 of the Revised Code, when calculating indirect care costs for the purpose of establishing rates under section 5111.24 or 5111.241 of the Revised Code for fiscal year 2002, "per diem," as 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 indirect care 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-two per cent.

(B) Notwithstanding division (Q)(1) of section 5111.20 of the Revised Code, when calculating indirect care costs for the purpose of establishing rates under section 5111.24 or 5111.241 of the Revised Code for fiscal year 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 indirect care 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-seven per cent.

(C) Notwithstanding division (Q)(2) of section 5111.20 of the Revised Code, when calculating capital costs for the purpose of establishing rates under section 5111.25 or 5111.251 of the Revised Code for fiscal year 2002, "per diem," as used in sections 5111.20 to 5111.32 of the Revised Code, means a nursing facility's or intermediate care facility for the mentally retarded's actual, allowable capital costs in the cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been eighty-eight per cent.

(D) Notwithstanding division (Q)(2) of section 5111.20 of the Revised Code, when calculating capital costs for the purpose of establishing rates under section 5111.25 or 5111.251 of the Revised Code for fiscal year 2003, "per diem," as used in sections 5111.20 to 5111.32 of the Revised Code, means a nursing facility's or intermediate care facility for the mentally retarded's actual, allowable capital costs in the cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-one per cent.

(E) As soon as practicable, the Department of Job and Family Services shall follow this section for the purpose of calculating nursing facilities' and intermediate care facilities for the mentally retarded's Medicaid reimbursement rates for indirect care and capital costs for fiscal years 2002 and 2003. If the Department is unable to calculate the rates before it makes payments for services provided during fiscal year 2002 or 2003, the Department shall pay a nursing facility or intermediate care facility for the mentally retarded the difference between the amount it pays the facility and the amount that would have been paid had the Department made the

calculation in time.

SECTION 63.37. NURSING FACILITY STABILIZATION FUND

(A) As used in this section:

(1) "Inpatient days" and "nursing facility" have the same meanings as in section 5111.20 of the Revised Code.

(2) "Medicaid day" means all days during which a resident who is a Medicaid recipient occupies a bed in a nursing facility that is included in the facility's certified capacity under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the nursing facility's per resident per day rate paid for those days.

(B) The Department of Job and Family Services shall use money in the Nursing Facility Stabilization Fund created under section 3721.56 of the Revised Code to do all of the following:

(1) Make payments to nursing facilities under sections 5111.20 to 5111.32 of the Revised Code;

(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;

(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 paying reasonable Medicaid-related costs that are not adequately reimbursed under sections 5111.20 to 5111.32 of the Revised Code.

(C) Any money remaining in the Nursing Facility Stabilization Fund after payments specified in division (B) of this section are made for fiscal years 2002 and 2003 shall be retained in the fund. Any interest or other investment proceeds earned on money in the fund shall be credited to the fund and used to make payments in accordance with division (B) of this section.

(D) Notwithstanding division (N) of section 5111.20 of the Revised Code, the Department of Job and Family Services, in making Medicaid

payments to a nursing facility under sections 5111.20 to 5111.32 of the Revised Code, shall exclude from a nursing facility's other protected costs the cost of sixty-nine and seven-tenths per cent of the franchise permit fee that the nursing facility pays under section 3721.53 of the Revised Code for fiscal years 2002 and 2003 if the nursing facility receives payments under division (B)(2) of this section for sixty-nine and seven-tenths per cent of those franchise permit fees.

SECTION 63.38. NURSING FACILITY REIMBURSEMENT STUDY COUNCIL

During fiscal years 2002 and 2003, the Nursing Facility Reimbursement Study Council shall examine and report to the Governor, the Speaker of the House of Representatives, and the President of the Senate its activities, findings, and recommendations concerning at least all of the following:

(1) The use of imputed occupancy factors in calculating reimbursement rates;

(2) The identification and quantification of costs that vary with occupancy and costs that do not vary with occupancy;

(3) Specific elements of the reimbursement formula that contribute to or detract from facility efficiency, including appropriate methods of defining and measuring efficiency;

(4) The inclusion or exclusion of direct-care costs and case-mix scores for classes of facility residents the Council identifies from case-mix calculations and the effect of those inclusions or exclusions on direct care of residents;

(5) Whether the return on equity provision in the reimbursement formula should remain;

(6) The use of depreciation recapture in the case of transfers of nursing facilities;

(7) The amount of time that elapses between when a facility incurs costs for wage increases or other expenditure and when those costs are included in the reimbursement rate;

(8) The percentage of capital costs that are not included in the reimbursement rate;

(9) The percentage of purchased nursing costs that are not included in the reimbursement rate.

SECTION 63.39. The Department of Mental Retardation and Developmental Disabilities shall arrange for a study to be completed no later

than January 1, 2003, of the implications of the "Health Insurance Portability and Accountability Act of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as amended, on payment systems for Medicaid-funded services to individuals with mental retardation or other developmental disability, including the Multi-Agency Community Services Information System and similar payment systems. The study shall include consideration of the feasibility of a payment system under which a county board of mental retardation and developmental disabilities pays claims directly to persons and government entities under contract with the county board to provide Medicaid-funded services to individuals with mental retardation or other developmental disability.

The Department shall contract with a person to administer an individual assessment instrument to a representative sample of individuals receiving or eligible to receive home and community-based services provided under a Medicaid component the Department administers under section 5111.871 of the Revised Code. The assessment instrument shall be identical or similar in design to the New York Developmental Disabilities Profile as developed by the New York Office of Mental Retardation and Developmental Disabilities. The purpose of the contract is to collect data necessary for constructing a statewide individual assessment instrument capable of reliably assessing an individual's needs that the Department is required to provide to the Department of Job and Family Services under division (A)(2) of section 5111.873 of the Revised Code.

SECTION 64. JCO JUDICIAL CONFERENCE OF OHIO

General Revenue Fund

GRF 018-321	Operating Expenses	\$	1,110,240	\$	1,141,327
TOTAL GRF General Revenue Fund		\$	1,110,240	\$	1,141,327

General Services Fund Group

403 018-601	Ohio Jury Instructions	\$	200,000	\$	200,000
TOTAL GSF General Services Fund Group		\$	200,000	\$	200,000
TOTAL ALL BUDGET FUND GROUPS		\$	1,310,240	\$	1,341,327

STATE COUNCIL OF UNIFORM STATE LAWS

Notwithstanding section 105.26 of the Revised Code, of the foregoing appropriation item 018-321, Operating Expenses, up to \$60,000 in fiscal year 2002 and up to \$63,000 in fiscal year 2003 may be used to pay the expenses of the State Council of Uniform State Laws, including membership dues to the National Conference of Commissioners on Uniform State Laws.

OHIO JURY INSTRUCTIONS FUND

The Ohio Jury Instructions Fund (Fund 403) shall consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received

for the purpose of supporting costs incurred by the Judicial Conference of Ohio in dispensing education and informational data to the state's judicial system. Fund 403 shall be used by the Judicial Conference of Ohio to pay expenses incurred in dispensing educational and informational data to the state's judicial system. All moneys accruing to Fund 403 in excess of \$200,000 in fiscal year 2002 and in excess of \$200,000 in fiscal year 2003 are hereby appropriated for the purposes authorized.

No money in the Ohio Jury Instructions Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board.

SECTION 65. JSC THE JUDICIARY/SUPREME COURT

General Revenue Fund

GRF 005-321	Operating Expenses - Judiciary/Supreme Court	\$	98,524,655	\$	103,540,214
GRF 005-401	State Criminal Sentencing Council	\$	294,096	\$	304,881
GRF 005-406	Law-Related Education	\$	200,802	\$	206,826
GRF 005-502	Commission for Legal Education Opportunity	\$	0	\$	657,600
TOTAL GRF General Revenue Fund		\$	99,019,553	\$	104,709,521

General Services Fund Group

672 005-601	Continuing Judicial Education	\$	235,000	\$	265,000
TOTAL GSF General Services Fund Group		\$	235,000	\$	265,000

State Special Revenue Fund Group

4C8 005-605	Attorney Registration	\$	1,971,100	\$	2,030,233
6A8 005-606	Supreme Court Admissions	\$	1,042,536	\$	1,089,111
643 005-607	Commission on Continuing Legal Education	\$	573,268	\$	590,016
TOTAL SSR State Special Revenue Fund Group		\$	3,586,904	\$	3,709,360

Federal Special Revenue Fund Group

3J0 005-603	Federal Grants	\$	1,093,306	\$	964,484
TOTAL FED Federal Special Revenue Fund Group		\$	1,093,306	\$	964,484

TOTAL ALL BUDGET FUND GROUPS		\$	103,934,763	\$	109,648,365
------------------------------	--	----	-------------	----	-------------

LAW-RELATED EDUCATION

The foregoing appropriation item 005-406, 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, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs.

OHIO COMMISSION FOR LEGAL EDUCATION OPPORTUNITY

The foregoing appropriation item 005-502, Commission for Legal

Education Opportunity, shall be used to fund the activities of the Commission for Legal Education Opportunity created by the Chief Justice of the Supreme Court of Ohio for the purpose of assisting minority, low-income, and educationally disadvantaged college graduates in the transition to legal education. Moneys appropriated to the Commission for Legal Education Opportunity may be used to establish and provide an intensive course of study designed to prepare eligible college graduates for law school education, provide annual stipends for students who successfully complete the course of study and are admitted to and maintain satisfactory academic standing in an Ohio law school, and pay the administrative costs associated with the program.

CONTINUING JUDICIAL EDUCATION

The Continuing Judicial Education Fund (Fund 672) shall consist of fees paid by judges and court personnel for attending continuing education courses and other gifts and grants received for the purpose of continuing judicial education. The foregoing appropriation item 005-601, Continuing Judicial Education, shall be used to pay expenses for continuing education courses for judges and court personnel. 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 Continuing Judicial 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 Judicial Education Fund shall be credited to the fund.

ATTORNEY REGISTRATION

In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 005-605, Attorney Registration, may be used to compensate employees and fund the appropriate activities of the following offices established by the Supreme Court pursuant to the Rules for the Government of the Bar of Ohio: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, the Board of Commissioners on the Unauthorized Practice of Law, and the Office of Attorney Registration. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are appropriated.

No moneys in the Attorney Registration 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 Attorney Registration Fund shall be credited to the fund.

SUPREME COURT ADMISSIONS

The foregoing appropriation item 005-606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program, pursuant to the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A8) pursuant to the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are appropriated.

No moneys in the Supreme Court Admissions 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 Supreme Court Admissions Fund shall be credited to the fund.

CONTINUING LEGAL EDUCATION

The foregoing appropriation item 005-607, Commission on Continuing Legal Education, shall be used to compensate employees of the Commission on Continuing Legal Education, established pursuant to the Supreme Court Rules for the Government of the Bar of Ohio, and to fund other activities of the commission considered appropriate by the court. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are appropriated.

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 Fund	\$	1,044,854	\$	1,070,975
5D8 780-602	Lake Erie Resources Fund	\$	661,009	\$	689,004
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

Not later than the thirtieth day of November of each fiscal year, the Executive Director of the Ohio Lake Erie Office, with the approval of the Lake Erie Commission, shall certify to the Director of Budget and Management the cash balance in the Lake Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet operating expenses of the Lake Erie Office. The Ohio Lake Erie Office may request the Director of Budget and Management to transfer up to the certified amount from the Lake Erie Resources Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The Director of Budget and Management may transfer the requested amount, or the Director may transfer a different amount up to the certified amount. Cash transferred shall be used for the purposes described in division (A) of section 1506.23 of the Revised Code. The amount transferred by the director is appropriated to the foregoing appropriation item 780-601, Lake Erie Protection Fund, which shall be increased by the amount transferred.

SECTION 67. LRS LEGAL RIGHTS SERVICE

General Revenue Fund

GRF 054-100	Personal Services	\$	274,718	\$	269,974
GRF 054-200	Maintenance	\$	45,278	\$	46,184
GRF 054-300	Equipment	\$	2,476	\$	2,526
GRF 054-401	Ombudsman	\$	321,769	\$	318,491
TOTAL GRF General Revenue Fund					
		\$	644,241	\$	637,175

General Services Fund Group

416 054-601	Gifts and Donations	\$	1,319	\$	1,352
5M0 054-610	Settlements	\$	75,000	\$	75,000
524 054-608	Traumatic Brain Injury	\$	21,550	\$	0
TOTAL GSF General Services					
Fund Group		\$	97,869	\$	76,352

Federal Special Revenue Fund Group

3B8 054-603	Protection and Advocacy - Mentally Ill	\$	810,314	\$	810,314
3N3 054-606	Protection and Advocacy - Individual Rights	\$	468,445	\$	468,445
3N9 054-607	Assistive Technology	\$	50,000	\$	50,000

Am. Sub. H. B. No. 94

1332

3R9 054-604	Family Support Collaborative	\$	242,500	\$	242,500
3T2 054-609	Client Assistance Program	\$	406,772	\$	406,772
305 054-602	Protection and Advocacy - Developmentally Disabled	\$	1,068,109	\$	1,068,109
TOTAL FED Federal Special Revenue					
Fund Group					
		\$	3,046,140	\$	3,046,140
TOTAL ALL BUDGET FUND GROUPS					
		\$	3,788,250	\$	3,759,667

SECTION 68. JLE JOINT LEGISLATIVE ETHICS COMMITTEE

General Revenue Fund

GRF 028-321	Legislative Ethics Committee	\$	589,000	\$	612,000
TOTAL GRF General Revenue Fund					
		\$	589,000	\$	612,000

State Special Revenue Fund Group

4G7 028-601	Joint Legislative Ethics Committee	\$	50,000	\$	50,000
TOTAL SSR State Special Revenue Fund					
		\$	50,000	\$	50,000
TOTAL ALL BUDGET FUND GROUPS					
		\$	639,000	\$	662,000

SECTION 69. LSC LEGISLATIVE SERVICE COMMISSION

General Revenue Fund

GRF 035-321	Operating Expenses	\$	13,325,000	\$	14,470,000
GRF 035-402	Legislative Interns	\$	953,500	\$	993,500
GRF 035-404	Legislative Office of Education Oversight	\$	1,192,146	\$	1,239,832
GRF 035-406	ATMS Replacement Project	\$	90,000	\$	90,000
GRF 035-407	Legislative Task Force on Redistricting	\$	2,000,000	\$	0
GRF 035-409	National Associations	\$	417,906	\$	427,381
GRF 035-410	Legislative Information Systems	\$	4,343,000	\$	4,690,000
TOTAL GRF General Revenue Fund					
		\$	22,321,552	\$	21,910,713

General Services Fund Group

4F6 035-603	Legislative Budget Services	\$	140,000	\$	145,000
410 035-601	Sale of Publications	\$	25,000	\$	25,000
TOTAL GSF General Services					
Fund Group					
		\$	165,000	\$	170,000
TOTAL ALL BUDGET FUND GROUPS					
		\$	22,486,552	\$	22,080,713

OPERATING EXPENSES

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.

ATMS REPLACEMENT PROJECT

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

On or before August 1, 2001, the Director of Budget and Management shall determine and certify to the Director of the Legislative Service Commission the total amount of unexpended, unobligated appropriations made to the Commission for fiscal year 2001 in appropriation item 035-407, Legislative Task Force on Redistricting. Additional appropriation authority equal to the amount certified by the Director of Budget and Management to the Director of the Legislative Service Commission is hereby appropriated to appropriation item 035-407, Legislative Task Force on Redistricting, for fiscal year 2002.

NATIONAL ASSOCIATIONS

Of the foregoing appropriation item 035-409, National Associations, \$10,000 in each fiscal year shall be used for the State and Local Legal Center.

LEGISLATIVE OFFICE OF EDUCATION OVERSIGHT

The foregoing appropriation item 035-404, Legislative Office of Education Oversight, shall be used to support the legislative oversight activities of the Legislative Committee on Education Oversight established in section 3301.68 of the Revised Code.

SECTION 70. LIB STATE LIBRARY BOARD

General Revenue Fund

GRF 350-321	Operating Expenses	\$	7,645,422	\$	7,969,585
GRF 350-401	Ohioana Rental Payments	\$	120,972	\$	120,972
GRF 350-501	Cincinnati Public Library	\$	758,699	\$	753,594
GRF 350-502	Regional Library Systems	\$	1,792,357	\$	1,780,093
GRF 350-503	Cleveland Public Library	\$	1,141,234	\$	1,133,512
TOTAL GRF	General Revenue Fund	\$	11,458,684	\$	11,757,756

General Services Fund Group

139 350-602	Intra-Agency Service Charges	\$	14,148	\$	14,502
4S4 350-604	OPLIN Technology	\$	7,661,095	\$	7,777,962
459 350-602	Interlibrary Service Charges	\$	845,896	\$	1,239,661
TOTAL GSF	General Services Fund Group	\$	8,521,139	\$	9,032,125

Federal Special Revenue Fund Group

313 350-601	LSTA Federal	\$	5,241,306	\$	5,241,306
TOTAL FED	Federal Special Revenue Fund Group	\$	5,241,306	\$	5,241,306
TOTAL ALL BUDGET FUND GROUPS		\$	25,221,129	\$	26,031,187

OHIOANA RENTAL PAYMENTS

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.

REGIONAL LIBRARY SYSTEMS

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.

OHIO PUBLIC LIBRARY INFORMATION NETWORK

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 certified as participants by the Ohio Public Library Information Network Board.

The Ohio Public Library Information Network Board shall consist of eleven members appointed by the State Library Board from among the staff of public libraries and past and present members of boards of trustees of public libraries, based on the recommendations of the Ohio library community. The Ohio Public Library Information Network Board in consultation with the State Library shall develop a plan of operations for the network. The Board shall have the authority to make decisions regarding the use of the foregoing appropriation item 350-604, OPLIN Technology, and to receive and expend grants to carry out the operations of the network in accordance with state law and the authority to appoint and fix the compensation of a director and necessary staff. The State Library will be the fiscal agent for the network and shall have fiscal accountability for the expenditure of funds. The Ohio Public Library Information Network Board members shall be reimbursed for actual travel and necessary expenses incurred in the carrying out of their responsibilities.

In order to limit access to obscene and illegal materials through internet use at Ohio Public Library Information Network (OPLIN) terminals, local libraries with OPLIN computer terminals shall adopt policies that control access to obscene and illegal materials. These policies may include use of technological systems to select or block certain internet access. The OPLIN shall condition provision of its funds, goods, and services on compliance with these policies. The OPLIN board shall also adopt and communicate specific recommendations to local libraries on methods to control such improper usage. These methods may include each library implementing a written policy controlling such improper use of library terminals and requirements for parental involvement or written authorization for juvenile internet usage.

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, InfOhio, 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

043 970-321	Operating Expenses	\$	738,135	\$	756,472
TOTAL LCF Liquor Control Fund Group		\$	738,135	\$	756,472
TOTAL ALL BUDGET FUND GROUPS		\$	738,135	\$	756,472

SECTION 72. LOT STATE LOTTERY COMMISSION

State Lottery Fund Group

044 950-100	Personal Services	\$	23,990,502	\$	25,164,204
044 950-200	Maintenance	\$	24,167,162	\$	24,698,840
044 950-300	Equipment	\$	4,131,719	\$	3,664,576
044 950-402	Game and Advertising Contracts	\$	64,913,869	\$	64,624,331
044 950-601	Prizes, Bonuses, and Commissions	\$	136,371,980	\$	132,532,125
871 950-602	Annuity Prizes	\$	185,454,636	\$	188,275,991
872 950-603	Unclaimed Prize Awards	\$	13,093,114	\$	13,354,976

TOTAL SLF State Lottery Fund Group	\$	452,122,982	\$	452,315,043
TOTAL ALL BUDGET FUND GROUPS	\$	452,122,982	\$	452,315,043

OPERATING EXPENSES

The foregoing appropriation items include all amounts necessary for the purchase and printing of tickets, consultant services, and advertising. The Controlling Board may, at the request of the State Lottery Commission, authorize additional appropriations for operating expenses of the State Lottery Commission from the State Lottery Fund up to a maximum of 15 per cent of anticipated total revenue accruing from the sale of lottery tickets.

PRIZES, BONUSSES, AND COMMISSIONS

Any amounts, in addition to the amounts appropriated in appropriation item 950-601, Prizes, Bonuses, and Commissions, that are determined by the Director of the State Lottery Commission to be necessary to fund prizes, bonuses, and commissions are appropriated.

ANNUITY PRIZES

With the approval of the Office of Budget and Management, the State Lottery Commission shall transfer cash from the State Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund (Fund 871) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 871) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950-602, Annuity Prizes, that are determined by the Director of the State Lottery Commission to be necessary to fund deferred prizes and interest earnings are appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

The Ohio Lottery Commission shall transfer an amount greater than or equal to \$633,722,100 in fiscal year 2002 and \$621,722,600 in fiscal year 2003 to the Lottery Profits Education Fund. Transfers from the Commission to the Lottery Profits Education Fund shall represent the estimated net income from operations for the Commission and may be supplemented by transfers from the Unclaimed Prizes Fund at any time in fiscal year 2002 or fiscal year 2003. Transfers by the Commission to the Lottery Profits Education Fund shall be administered in accordance with and pursuant to the Revised Code.

SECTION 73. MED STATE MEDICAL BOARD

General Services Fund Group

5C6 883-609 State Medical Board Operating	\$	6,344,740	\$	6,728,301
---	----	-----------	----	-----------

TOTAL GSF General Services			
Fund Group	\$	6,344,740	\$ 6,728,301
TOTAL ALL BUDGET FUND GROUPS	\$	6,344,740	\$ 6,728,301

SECTION 74. DMH DEPARTMENT OF MENTAL HEALTH

Division of General Administration Intragovernmental Service Fund Group

151 235-601 General Administration	\$	76,095,310	\$ 78,181,973
TOTAL ISF Intragovernmental Service Fund Group	\$	76,095,310	\$ 78,181,973

Division of Mental Health--

Psychiatric Services to Correctional Facilities

General Revenue Fund

GRF 332-401 Forensic Services	\$	4,259,513	\$ 4,338,858
TOTAL GRF General Revenue Fund	\$	4,259,513	\$ 4,338,858
TOTAL ALL BUDGET FUND GROUPS	\$	80,354,823	\$ 82,520,831

FORENSIC SERVICES

The foregoing appropriation item 322-401, Forensic Services, shall be used to provide psychiatric services to courts of common pleas. The appropriation shall be allocated through community mental health boards to certified community agencies and shall be distributed according to the criteria delineated in rule 5122:4-1-01 of the Administrative Code. These community forensic funds may also be used to provide forensic training to community mental health boards and to forensic psychiatry residency programs in hospitals operated by the Department of Mental Health and to provide evaluations of patients of forensic status in facilities operated by the Department of Mental Health prior to conditional release to the community.

In addition, appropriation item 332-401, Forensic Services, may be used to support projects involving mental health, substance abuse, courts, and law enforcement to identify and develop appropriate alternative services to institutionalization for nonviolent mentally ill offenders, and to provide linkage to community services for severely mentally disabled offenders released from institutions operated by the Department of Rehabilitation and Correction. Funds may also be utilized to provide forensic monitoring and tracking in addition to community programs serving persons of forensic status on conditional release or probation.

Division of Mental Health--

Administration and Statewide Programs

General Revenue Fund

GRF 333-100 Personal Services - Central Administration	\$	17,024,323	\$ 16,807,353
GRF 333-200 Maintenance - Central Administration	\$	2,276,155	\$ 2,318,555
GRF 333-300 Equipment - Central Administration	\$	490,894	\$ 500,038
GRF 333-402 Resident Trainees	\$	1,472,858	\$ 1,500,294
GRF 333-403 Pre-Admission Screening	\$	638,246	\$ 650,135

		Expenses			
GRF 333-415	Lease-Rental Payments	\$	24,754,900	\$	26,275,300
GRF 333-416	Research Program Evaluation	\$	956,224	\$	972,178
TOTAL GRF General Revenue Fund		\$	47,613,600	\$	49,023,853
General Services Fund Group					
149 333-609	Central Office Rotary - Operating	\$	2,013,823	\$	2,037,918
TOTAL General Services Fund Group		\$	2,013,823	\$	2,037,918
Federal Special Revenue Fund Group					
3A7 333-612	Social Services Block Grant	\$	25,000	\$	25,000
3A8 333-613	Federal Grant - Administration	\$	87,000	\$	58,000
3A9 333-614	Mental Health Block Grant	\$	642,264	\$	642,264
3B1 333-635	Community Medicaid Expansion	\$	6,550,000	\$	5,550,000
324 333-605	Medicaid/Medicare	\$	379,009	\$	375,219
TOTAL Federal Special Revenue Fund Group		\$	7,683,273	\$	6,650,483
State Special Revenue Fund Group					
4X5 333-607	Behavioral Health Medicaid Services	\$	2,759,400	\$	2,828,385
485 333-632	Mental Health Operating	\$	130,959	\$	134,233
5M2 333-602	PWLC Campus Improvement	\$	1,000,000	\$	0
TOTAL State Special Revenue Fund Group		\$	3,890,359	\$	2,962,618
TOTAL ALL BUDGET FUND GROUPS		\$	61,201,055	\$	60,674,872

RESIDENCY TRAINEESHIP PROGRAMS

The foregoing appropriation item 333-402, Resident Trainees, shall be used to fund training agreements entered into by the Department of Mental Health for the development of curricula and the provision of training programs to support public mental health services.

PRE-ADMISSION SCREENING EXPENSES

The foregoing appropriation item 333-403, Pre-Admission Screening Expenses, shall be used to pay for costs to ensure that uniform statewide methods for pre-admission screening are in place to perform assessments for persons in need of mental health services or for whom institutional placement in a hospital or in another inpatient facility is sought. Pre-admission screening includes the following activities: pre-admission assessment, consideration of continued stay requests, discharge planning and referral, and adjudication of appeals and grievance procedures.

RENTAL PAYMENTS TO THE OHIO PUBLIC FACILITIES COMMISSION

The foregoing appropriation item 333-415, Lease-Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2001, to June 30, 2003, by the Department of Mental Health pursuant to leases and agreements made under section 154.20

of the Revised Code, but limited to the aggregate amount of \$51,030,200. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.20 of the Revised Code.

SECTION 74.01. DIVISION OF MENTAL HEALTH - HOSPITALS

General Revenue Fund

GRF 334-408	Community and Hospital Mental Health Services	\$	356,469,071	\$	352,719,838
GRF 334-506	Court Costs	\$	958,791	\$	976,652
TOTAL GRF General Revenue Fund		\$	357,427,862	\$	353,696,490

General Services Fund Group

149 334-609	Hospital Rotary - Operating Expenses	\$	10,451,492	\$	10,451,492
150 334-620	Special Education	\$	152,500	\$	152,500
TOTAL GSF General Services Fund Group		\$	10,603,992	\$	10,603,992

Federal Special Revenue Fund Group

3A8 334-613	Federal Letter of Credit	\$	9,000	\$	0
3B0 334-617	Elementary and Secondary Education Act	\$	202,774	\$	214,340
3B1 334-635	Hospital Medicaid Expansion	\$	2,000,000	\$	2,000,000
324 334-605	Medicaid/Medicare	\$	8,791,748	\$	9,043,700
5L2 334-619	Health Foundation/Greater Cincinnati	\$	131,600	\$	94,869
TOTAL FED Federal Special Revenue Fund Group		\$	11,135,122	\$	11,352,909

State Special Revenue Fund Group

485 334-632	Mental Health Operating	\$	1,991,448	\$	1,989,912
692 334-636	Community Mental Health Board Risk Fund	\$	361,323	\$	370,356
TOTAL SSR State Special Revenue Fund Group		\$	2,352,771	\$	2,360,268
TOTAL ALL BUDGET FUND GROUPS		\$	381,519,747	\$	378,013,659

COMMUNITY MENTAL HEALTH BOARD RISK FUND

The foregoing appropriation item 334-636, Community Mental Health Board Risk Fund, shall be used to make payments pursuant to section 5119.62 of the Revised Code.

SECTION 74.02. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT SERVICES

General Revenue Fund

GRF 335-419	Community Medication Subsidy	\$	7,682,295	\$	7,701,549
GRF 335-502	Community Mental Health	\$	38,166,674	\$	38,166,674

	Programs			
GRF 335-508	Services for Severely Mentally Disabled	\$	60,405,135	\$ 60,905,135
TOTAL GRF General Revenue Fund		\$	106,254,104	\$ 106,773,358
General Services Fund Group				
4N8 335-606	Family Stability Incentive	\$	7,460,600	\$ 7,647,115
4P9 335-604	Community Mental Health Projects	\$	200,000	\$ 200,000
TOTAL GSF General Services Fund Group		\$	7,660,600	\$ 7,847,115
Federal Special Revenue Fund Group				
3A7 335-612	Social Services Block Grant	\$	9,314,108	\$ 9,314,108
3A8 335-613	Federal Grant - Community Mental Health Board Subsidy	\$	960,000	\$ 960,000
3A9 335-614	Mental Health Block Grant	\$	12,754,654	\$ 12,737,654
3B1 335-635	Community Medicaid Expansion	\$	157,480,000	\$ 165,355,000
State Special Revenue Fund Group				
632 335-616	Community Capital Replacement	\$	250,000	\$ 250,000
TOTAL SSR State Special Revenue Fund Group		\$	250,000	\$ 250,000
TOTAL FED Federal Special Revenue Fund Group		\$	180,508,762	\$ 188,366,762
TOTAL ALL BUDGET FUND GROUPS		\$	294,673,466	\$ 303,237,235
DEPARTMENT TOTAL				
GENERAL REVENUE FUND		\$	515,555,079	\$ 513,832,559
DEPARTMENT TOTAL				
GENERAL SERVICES FUND GROUP		\$	20,278,415	\$ 20,489,025
DEPARTMENT TOTAL				
FEDERAL SPECIAL REVENUE FUND GROUP		\$	199,327,157	\$ 206,370,154
DEPARTMENT TOTAL				
STATE SPECIAL REVENUE FUND GROUP		\$	6,493,130	\$ 5,572,886
DEPARTMENT TOTAL				
INTRAGOVERNMENTAL FUND GROUP		\$	76,095,310	\$ 78,181,973
TOTAL DEPARTMENT OF MENTAL HEALTH		\$	817,749,091	\$ 824,446,597

SECTION 74.03. COMMUNITY MEDICATION SUBSIDY

The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs.

GENERAL COMMUNITY MENTAL HEALTH PROGRAMS

The foregoing appropriation item 335-502, Community Mental Health Programs, shall be distributed by the Department of Mental Health on a per

capita basis to community mental health boards.

The purpose of the appropriation is to provide subsidized support for general mental health services to Ohioans. The range of mental health services eligible for funding shall be defined in a Department of Mental Health rule. Community mental health boards shall allocate funds in support of these services in accordance with the mental health needs of the community.

MENTAL HEALTH SERVICES FOR SEVERELY MENTALLY DISABLED PERSONS

The foregoing appropriation item 335-508, Services for Severely Mentally Disabled, shall be used to fund mental health services for adults and children who meet or have formerly met criteria established by the Department of Mental Health under its definition of severely mentally disabled. Those adults and children who constitute severely mentally disabled include those with a history of recent or chronic psychiatric hospitalizations, a history of psychosis, a prognosis of continued severe social and adaptive functioning impairment, or those certified impaired by the Social Security Administration for reasons of mental illness. In addition to the above, children and adolescents who are currently determined to be severely mentally disabled, or who are at risk of becoming severely mental disabled, and who are already in or about to enter the juvenile justice system, or child welfare system, or receiving special education services within the education system may also receive services funded by appropriation item 335-508, Services for Severely Mentally Disabled.

Of the foregoing appropriation item 335-508, Services for Severely Mentally Disabled, \$100,000 in each fiscal year shall be used to fund family and consumer education and support.

Of the foregoing appropriation item 335-508, Services for Severely Mentally Disabled, \$2.7 million in each fiscal year shall be used to transfer cash from the General Revenue Fund to Fund 4N8, Family Stability Incentive. This transfer shall be made using an intrastate transfer voucher.

MENTAL HEALTH SERVICES TO JUVENILE OFFENDERS PROJECTS

Any cash transferred for juvenile offenders projects from the Department of Youth Services, the Department of Job and Family Services, the Office of Criminal Justice Services, or other state agencies to the Department of Mental Health (Fund 149) shall be used by the Department of Mental Health to fund local mental health services to juvenile offenders projects that are designed to address the mental health needs of juvenile offenders with serious mental illness.

BEHAVIORAL HEALTH MEDICAID SERVICES

The Department of Mental Health shall administer specified Medicaid Services as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 333-607, Behavioral Health Medicaid Services, may be used to make payments for free-standing psychiatric hospital inpatient services as defined in an interagency agreement with the Department of Job and Family Services.

SECTION 74.04. To increase the cost-effectiveness of community mental health services, the Director of Mental Health shall amend or rescind any rules formerly adopted under section 5119.01 of the Revised Code establishing certification standards for mental health services that do not improve the quality of services or the health and safety of clients of the services. The Director shall amend or rescind the rules not later than ninety days after the effective date of this section.

SECTION 75. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

SECTION 75.01. GENERAL ADMINISTRATION AND STATEWIDE SERVICES

General Revenue Fund

GRF 320-321	Central Administration	\$	11,001,218	\$	11,361,253
GRF 320-411	Special Olympics	\$	200,000	\$	200,000
GRF 320-412	Protective Services	\$	1,402,498	\$	1,502,150
GRF 320-415	Lease-Rental Payments	\$	24,754,900	\$	26,275,300
TOTAL GRF General Revenue Fund		\$	37,358,616	\$	39,338,703

General Services Fund Group

4B5 320-640	Conference/Training	\$	826,463	\$	864,496
TOTAL GSF General Services Fund Group		\$	826,463	\$	864,496

Federal Special Revenue Fund Group

3A4 320-605	Administrative Support	\$	11,964,698	\$	12,492,892
3A5 320-613	DD Council Operating Expenses	\$	992,486	\$	992,486

TOTAL FED Federal Special Revenue Fund Group		\$	12,957,184	\$	13,485,378
---	--	----	-------------------	----	-------------------

TOTAL ALL GENERAL ADMINISTRATION AND STATEWIDE SERVICES

BUDGET FUND GROUPS		\$	51,142,263	\$	53,688,577
---------------------------	--	----	-------------------	----	-------------------

LEASE-RENTAL PAYMENTS

The foregoing appropriation item 320-415, Lease-Rental Payments,

shall be used to meet all payments at the times they are required to be made during the period from July 1, 2001, to June 30, 2003, by the Department of Mental Retardation and Developmental Disabilities pursuant to leases and agreements made under section 154.20 of the Revised Code, but limited to the aggregate amount of \$51,030,200. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.20 of the Revised Code.

SECTION 75.02. COMMUNITY SERVICES

General Revenue Fund

GRF 322-405	State Use Program	\$	264,685	\$	264,685
GRF 322-413	Residential and Support Services	\$	154,418,317	\$	164,539,811
GRF 322-451	Family Support Services	\$	7,975,870	\$	7,975,870
GRF 322-452	Case Management	\$	8,984,491	\$	9,874,628
GRF 322-501	County Boards Subsidies	\$	45,366,297	\$	46,817,644
TOTAL GRF General Revenue Fund		\$	217,009,660	\$	229,722,638

General Services Fund Group

4J6 322-645	Intersystem Services for Children	\$	5,000,000	\$	5,000,000
4U4 322-606	Community MR and DD Trust	\$	125,000	\$	131,250
4V1 322-611	Program Support	\$	2,000,000	\$	2,000,000
488 322-603	Residential Services Refund	\$	2,499,188	\$	2,499,188
TOTAL GSF General Services Fund Group		\$	9,624,188	\$	9,630,438

Federal Special Revenue Fund Group

3A4 322-605	Community Program Support	\$	3,024,047	\$	3,326,452
3A4 322-610	Community Residential Support	\$	5,924,858	\$	5,924,858
3A5 322-613	DD Council Grants	\$	3,358,290	\$	3,358,290
3G6 322-639	Medicaid Waiver	\$	148,304,949	\$	151,754,169
3M7 322-650	CAFS Medicaid	\$	163,747,903	\$	172,568,939
325 322-608	Federal Grants - Operating Expenses	\$	1,360,000	\$	1,360,000
325 322-612	Social Service Block Grant	\$	11,500,000	\$	11,500,000
325 322-617	Education Grants - Operating	\$	115,000	\$	115,000
TOTAL FED Federal Special Revenue Fund Group		\$	337,335,047	\$	349,907,708

State Special Revenue Fund Group

4K8 322-604	Waiver - Match	\$	13,783,463	\$	14,039,133
5H0 322-619	Medicaid Repayment	\$	562,080	\$	576,132
TOTAL SSR State Special Revenue Fund Group		\$	14,345,543	\$	14,615,265

TOTAL ALL COMMUNITY SERVICES
BUDGET FUND GROUPS \$ 578,314,438 \$ 603,626,049

RESIDENTIAL AND SUPPORT SERVICES

The foregoing appropriation item 322-413, Residential and Support Services, shall be used for any of the following:

(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 low percentage of residential and support services development in comparison to the number of individuals with mental retardation or developmental disabilities in the county.

Not later than 30 days after the effective date of this section, the Director of Budget and Management shall transfer up to \$5,000,000 from appropriation item 322-413, Residential and Support Services, to appropriation item 322-501, County Boards Subsidies. The total amount that is transferred from appropriation item 322-413 to appropriation item

322-501 shall be used for the tax equalization program created under sections 5126.16 to 5126.18 of the Revised Code and is subject to all statutes and rules established for the tax equalization program.

Not later than July 30, 2002, the Director of Budget and Management shall transfer up to \$11,500,000 from appropriation item 322-413, Residential and Support Services, to appropriation item 322-501, County Boards Subsidies. The total amount that is transferred from appropriation item 322-413 to appropriation item 322-501 shall be used for the tax equalization program created under sections 5126.16 to 5126.18 of the Revised Code and is subject to all statutes and rules established for the tax equalization program.

Of the foregoing appropriation item 322-413, Residential and Support Services, \$9,700,000 in fiscal year 2002 and \$9,850,000 in fiscal year 2003 shall be distributed by the Department to county boards of mental retardation and developmental disabilities to support existing residential facilities waiver and individual options waiver related Medicaid activities provided for in the component of a county board's plan developed under division (A)(2) of section 5126.054 of the Revised Code and approved under section 5123.046 of the Revised Code. Up to \$3,000,000 of these funds in each fiscal year may be used to implement day-to-day program management services under division (A)(2) of section 5126.054 of the Revised Code. Up to \$4,200,000 in each fiscal year may be used to implement the program and health and welfare requirements of division (A)(2) of section 5126.054 of the Revised Code.

In fiscal years 2002 and 2003, not less than \$2,500,000 and \$2,650,000, respectively, of these funds shall be used to recruit and retain, under division (A)(2) of section 5126.054 of the Revised Code, the direct care staff necessary to implement the services included in an individualized service plan in a manner that ensures the health and welfare of the individuals being served.

FAMILY SUPPORT SERVICES

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 5126.11 of the Revised Code, the Department of Mental Retardation and Developmental Disabilities may implement programs funded by appropriation item 322-451, Family Support Services, to provide assistance to persons with mental retardation or developmental disabilities and their families who are living in the community. The department shall adopt rules to implement these programs.

CASE MANAGEMENT

The foregoing appropriation item 322-452, Case Management, shall be

allocated to county boards of mental retardation and developmental disabilities for the purpose of providing case management services and to assist in bringing state funding for all department-approved case managers within county boards of mental retardation and developmental disabilities to the level authorized in division (C) of section 5126.15 of the Revised Code. The department may request approval from the Controlling Board to transfer any unobligated appropriation authority from other state General Revenue Fund appropriation items within the department's budget to appropriation item 322-452, Case Management, to be used to meet the statutory funding level in division (C) of section 5126.15 of the Revised Code.

Notwithstanding division (C) of section 5126.15 of the Revised Code and subject to funding in appropriation item 322-452, Case Management, no county may receive less than its allocation in fiscal year 1995.

STATE SUBSIDIES TO MR/DD BOARDS

Of the foregoing appropriation item 322-501, County Boards Subsidies, \$6,500,000 in fiscal year 2002 and \$13,000,000 in fiscal year 2003 shall be used to fund the tax equalization program created under sections 5126.16 to 5126.18 of the Revised Code for county boards of mental retardation and developmental disabilities. The tax equalization program shall utilize the average daily membership of adults 22 years of age and older in habilitation, vocational, and community employment services only for the yield on 1/2 mills.

After funding the tax equalization program, the Department of Mental Retardation and Developmental Disabilities shall distribute the remaining appropriation authority in appropriation item 322-501, County Boards Subsidies, to county boards of mental retardation and developmental disabilities for subsidies distributed pursuant to section 5126.12 of the Revised Code to the limit of the lesser of the amount required by that section or the remaining balance of the appropriation authority in appropriation item 322-501 prorated to all county boards of mental retardation and developmental disabilities.

INTERSYSTEM SERVICES FOR CHILDREN

The foregoing appropriation item 322-645, Intersystem Services for Children, shall be used to support direct grants to county family and children first councils created under section 121.37 of the Revised Code. The funds shall be used as partial support payment and reimbursement for locally coordinated treatment plans for multi-needs children that come to the attention of the Family and Children First Cabinet Council pursuant to section 121.37 of the Revised Code. Any child referred for funding under

this program must have an individualized educational plan (IEP) in place. The Department of Mental Retardation and Developmental Disabilities may use up to five per cent of this amount for administrative expenses associated with the distribution of funds to the county councils.

WAIVER - MATCH

The foregoing appropriation item 322-604, Waiver-Match (Fund 4K8), shall be used as state matching funds for the home and community-based waivers.

The Department of Job and Family Services may enter into an interagency agreement with the Department of Mental Retardation and Developmental Disabilities providing for the Department of Mental Retardation and Developmental Disabilities to operate the program.

SECTION 75.03. DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A MODEL BILLING FOR SERVICES RENDERED

Developmental centers of the Department of Mental Retardation and Developmental Disabilities may provide services to persons with mental retardation or developmental disabilities living in the community or to providers of services to these persons. The department may develop a methodology for recovery of all costs associated with the provisions of these services.

SECTION 75.04. RENAMING OF CASE MANAGEMENT SERVICES

As used in this section, "service and support administration" has the same meaning as in section 5126.01 of the Revised Code, as amended by this act.

Wherever case management services are referred to in any law, contract, or other document, the reference shall be deemed to refer to service and support administration. No action or proceeding pending on the effective date of this section is affected by the renaming of case management services as service and support administration.

The Department of Mental Retardation and Developmental Disabilities shall adopt, amend, and rescind rules as necessary to reflect the renaming of case management services as service and support administration. All boards of mental retardation and developmental disabilities and the entities with which they contract for services shall rename the titles of their employees who provide service and support administration. All boards and contracting entities shall make corresponding changes to all employment contracts.

SECTION 75.05. RESIDENTIAL FACILITIES

General Revenue Fund

GRF 323-321	Residential Facilities Operations	\$	100,515,232	\$	100,667,289
-------------	-----------------------------------	----	-------------	----	-------------

TOTAL GRF General Revenue Fund		\$	100,515,232	\$	100,667,289
--------------------------------	--	----	-------------	----	-------------

General Services Fund Group

152 323-609	Residential Facilities Support	\$	889,929	\$	912,177
-------------	--------------------------------	----	---------	----	---------

TOTAL GSF General Services Fund Group		\$	889,929	\$	912,177
---------------------------------------	--	----	---------	----	---------

Federal Special Revenue Fund Group

3A4 323-605	Residential Facilities Reimbursement	\$	120,985,419	\$	120,985,419
-------------	--------------------------------------	----	-------------	----	-------------

325 323-608	Federal Grants - Subsidies	\$	532,000	\$	536,000
-------------	----------------------------	----	---------	----	---------

325 323-617	Education Grants - Residential Facilities	\$	411,000	\$	411,000
-------------	---	----	---------	----	---------

TOTAL FED Federal Special Revenue Fund Group		\$	121,928,419	\$	121,932,419
--	--	----	-------------	----	-------------

State Special Revenue Fund Group

489 323-632	Operating Expense	\$	11,506,603	\$	12,125,628
-------------	-------------------	----	------------	----	------------

TOTAL SSR State Special Revenue Fund Group		\$	11,506,603	\$	12,125,628
--	--	----	------------	----	------------

TOTAL ALL RESIDENTIAL FACILITIES

BUDGET FUND GROUPS		\$	234,840,183	\$	235,637,513
--------------------	--	----	-------------	----	-------------

DEPARTMENT TOTAL

GENERAL REVENUE FUND		\$	354,883,508	\$	369,478,630
----------------------	--	----	-------------	----	-------------

DEPARTMENT TOTAL

GENERAL SERVICES FUND GROUP		\$	11,340,580	\$	11,407,111
-----------------------------	--	----	------------	----	------------

DEPARTMENT TOTAL

FEDERAL SPECIAL REVENUE FUND GROUP		\$	472,220,650	\$	485,325,505
------------------------------------	--	----	-------------	----	-------------

DEPARTMENT TOTAL

STATE SPECIAL REVENUE FUND GROUP		\$	25,852,146	\$	26,740,893
----------------------------------	--	----	------------	----	------------

TOTAL DEPARTMENT OF MENTAL**RETARDATION AND DEVELOPMENTAL**

DISABILITIES		\$	864,296,884	\$	892,952,139
--------------	--	----	-------------	----	-------------

SECTION 75.06. (A) There is hereby created the Executive Branch Committee on Medicaid Redesign and Expansion of MRDD Services. The committee shall consist of all of the following individuals:

- (1) One representative of the Governor appointed by the Governor;
- (2) Two representatives of the Department of Mental Retardation and Developmental Disabilities appointed by the Director of Mental Retardation and Developmental Disabilities;
- (3) Two representatives of the Department of Job and Family Services

appointed by the Director of Job and Family Services;

(4) One representative of the Office of Budget and Management appointed by the Director of Budget and Management;

(5) One representative of The Arc of Ohio appointed by the organization's board of trustees;

(6) One representative of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities appointed by the association's board of trustees;

(7) One representative of the Ohio Superintendents of County Boards of Mental Retardation and Developmental Disabilities appointed by the organization's board of trustees;

(8) One representative of the Ohio Provider Resource Association appointed by the association's board of trustees;

(9) One representative of the Ohio Health Care Association appointed by the association's board of trustees;

(10) One representative of individuals with mental retardation or other developmental disability appointed by the Director of Mental Retardation and Developmental Disabilities.

(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.

(C) The committee shall meet at times determined by the chairperson to do all of the following:

(1) Review the effect that the provisions of this act regarding Medicaid funding for services to individuals with mental retardation or other developmental disability have on the funding and provision of services to such individuals;

(2) Identify issues related to, and barriers to, the effective implementation of those provisions of this act with the goal of meeting the needs of individuals with mental retardation or other developmental disability;

(3) Establish effective means for resolving the issues and barriers, including advocating changes to state law, rules, or both.

(D) The committee shall finish a preliminary report on its actions no later than one year after the effective date of this section and a final report on its actions no later than three years after the effective date of this section. The committee shall submit the reports to the Governor and Directors of Mental Retardation and Developmental Disabilities and Job and Family Services. The committee shall cease to exist on submission of the final

report unless the Governor issues an executive order providing for the committee to continue.

SECTION 76. MIH COMMISSION ON MINORITY HEALTH

General Revenue Fund

GRF 149-321	Operating Expenses	\$	635,218	\$	638,229
GRF 149-501	Minority Health Grants	\$	954,360	\$	951,348
GRF 149-502	Lupus Program	\$	179,206	\$	179,206
TOTAL GRF General Revenue Fund		\$	1,768,784	\$	1,768,783

Federal Special Revenue Fund Group

3J9 149-602	Federal Grants	\$	155,000	\$	150,000
TOTAL FED Federal Special Revenue Fund Group		\$	155,000	\$	150,000

State Special Revenue Fund Group

4C2 149-601	Minority Health Conference	\$	369,194	\$	320,776
TOTAL SSR State Special Revenue Fund Group		\$	369,194	\$	320,776
TOTAL ALL BUDGET FUND GROUPS		\$	2,292,978	\$	2,239,559

LUPUS PROGRAM

The foregoing appropriation item 149-502, Lupus Program, shall be used to provide grants for programs in patient, public, and professional education on the subject of systemic lupus erythematosus; to encourage and develop local centers on lupus information gathering and screening; and to provide outreach to minority women.

SECTION 77. CRB MOTOR VEHICLE COLLISION REPAIR REGISTRATION BOARD

General Service Fund Group

5H9 865-609	Operating Expenses	\$	250,025	\$	262,952
TOTAL GSF General Services Fund Group		\$	250,025	\$	262,952
TOTAL ALL BUDGET FUND GROUPS		\$	250,025	\$	262,952

SECTION 78. DNR DEPARTMENT OF NATURAL RESOURCES

General Revenue Fund

GRF 725-401	Wildlife - GRF Central Support	\$	750,000	\$	750,000
GRF 725-404	Fountain Square Rental Payments - OBA	\$	1,092,400	\$	1,089,100
GRF 725-407	Conservation Reserve Enhancement Program	\$	1,920,400	\$	1,920,400
GRF 725-412	Reclamation Commission	\$	67,123	\$	70,971
GRF 725-413	OPFC Lease Rental Payments	\$	16,211,500	\$	14,279,000
GRF 725-423	Stream and Ground Water Gauging	\$	448,745	\$	478,214

Am. Sub. H. B. No. 94

1351

GRF 725-425	Wildlife License Reimbursement	\$	1,000,000	\$	1,000,000
GRF 725-456	Canal Lands	\$	397,811	\$	407,756
GRF 725-502	Soil and Water Districts	\$	12,126,462	\$	12,621,123
GRF 725-903	Natural Resources General Obligation Debt Service	\$	19,001,100	\$	22,101,900
GRF 725-904	Conservation General Obligation Debt Service	\$	1,595,000	\$	6,695,000
GRF 727-321	Division of Forestry	\$	10,209,173	\$	10,888,345
GRF 728-321	Division of Geological Survey	\$	2,269,911	\$	2,432,974
GRF 729-321	Office of Information Technology	\$	1,072,960	\$	1,985,667
GRF 730-321	Division of Parks and Recreation	\$	35,651,542	\$	37,972,382
GRF 733-321	Division of Water	\$	4,035,213	\$	4,234,581
GRF 736-321	Division of Engineering	\$	3,709,501	\$	3,918,766
GRF 737-321	Division of Soil and Water	\$	4,675,812	\$	4,879,744
GRF 738-321	Division of Real Estate and Land Management	\$	2,540,554	\$	2,669,042
GRF 741-321	Division of Natural Areas and Preserves	\$	3,439,427	\$	3,616,940
GRF 744-321	Division of Mineral Resources Management	\$	3,946,725	\$	4,162,882
TOTAL GRF General Revenue Fund		\$	126,161,359	\$	138,174,787
General Services Fund Group					
155 725-601	Departmental Projects	\$	2,216,594	\$	1,913,242
157 725-651	Central Support Indirect	\$	8,009,551	\$	8,423,094
158 725-604	Natural Resources Publication Center Intrastate	\$	94,198	\$	94,595
161 725-635	Parks Facilities Maintenance	\$	2,993,169	\$	3,063,124
162 725-625	Civilian Conservation Corps Operations	\$	7,885,349	\$	8,058,715
204 725-687	Information Services	\$	3,010,774	\$	3,971,856
206 725-689	REALM Support Services	\$	475,000	\$	475,000
207 725-690	Real Estate Services	\$	50,000	\$	54,000
4D5 725-618	Recycled Materials	\$	50,000	\$	50,000
4S9 725-622	NatureWorks Personnel	\$	759,143	\$	832,528
4X8 725-662	Water Resources Council	\$	275,633	\$	282,524
430 725-671	Canal Lands	\$	1,215,441	\$	1,259,511
508 725-684	Natural Resources Publication Center Interstate	\$	239,538	\$	245,808
510 725-631	Maintenance - state-owned residences	\$	224,926	\$	229,710
516 725-620	Water Management	\$	2,459,256	\$	2,522,146
635 725-664	Fountain Square Facilities Management	\$	2,755,109	\$	2,821,999
697 725-670	Submerged Lands	\$	589,315	\$	615,000
TOTAL GSF General Services Fund Group		\$	33,302,996	\$	34,912,852
Federal Special Revenue Fund Group					
3B3 725-640	Federal Forest Pass-Thru	\$	55,000	\$	55,000
3B4 725-641	Federal Flood Pass-Thru	\$	190,000	\$	190,000
3B5 725-645	Federal Abandoned Mine	\$	9,908,408	\$	10,125,056

		Lands			
3B6	725-653	Federal Land and Water Conservation Grants	\$	3,559,697	\$ 3,689,697
3B7	725-654	Reclamation - Regulatory	\$	1,788,579	\$ 1,799,459
3P0	725-630	Natural Areas and Preserves - Federal	\$	230,000	\$ 230,000
3P1	725-632	Geological Survey - Federal	\$	381,910	\$ 366,303
3P2	725-642	Oil and Gas-Federal	\$	189,701	\$ 190,289
3P3	725-650	Real Estate and Land Management - Federal	\$	2,980,975	\$ 3,184,300
3P4	725-660	Water - Federal	\$	180,000	\$ 180,000
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	600,000	\$ 613,200
328	725-603	Forestry Federal	\$	1,200,000	\$ 1,200,000
332	725-669	Federal Mine Safety Grant	\$	136,423	\$ 141,880
		TOTAL FED Federal Special Revenue Fund Group	\$	21,400,693	\$ 21,965,184
		State Special Revenue Fund Group			
4J2	725-628	Injection Well Review	\$	51,742	\$ 61,638
4M7	725-631	Wildfire Suppression	\$	150,310	\$ 150,000
4U6	725-668	Scenic Rivers Protection	\$	500,000	\$ 510,000
5B3	725-674	Mining Regulation	\$	35,000	\$ 35,000
5K1	725-626	Urban Forestry Grant	\$	400,000	\$ 400,000
5P2	725-634	Wildlife Boater Angler Administration	\$	1,500,000	\$ 1,500,000
509	725-602	State Forest	\$	1,489,013	\$ 1,536,595
511	725-646	Ohio Geologic Mapping	\$	1,010,933	\$ 1,070,899
512	725-605	State Parks Operations	\$	28,844,322	\$ 29,915,146
514	725-606	Lake Erie Shoreline	\$	1,171,052	\$ 1,446,305
518	725-643	Oil and Gas Permit Fees	\$	1,821,252	\$ 1,821,325
518	725-677	Oil and Gas Well Plugging	\$	800,000	\$ 800,000
521	725-627	Off-Road Vehicle Trails	\$	66,213	\$ 68,490
522	725-656	Natural Areas Checkoff Funds	\$	1,508,080	\$ 1,860,670
526	725-610	Strip Mining Administration Fees	\$	1,480,566	\$ 1,449,459
527	725-637	Surface Mining Administration	\$	2,963,272	\$ 3,093,938
529	725-639	Unreclaimed Land Fund	\$	1,964,744	\$ 2,040,327
531	725-648	Reclamation Forfeiture	\$	1,455,835	\$ 1,491,087
532	725-644	Litter Control and Recycling	\$	13,137,680	\$ 13,311,365
586	725-633	Scrap Tire Program	\$	1,000,000	\$ 1,000,000
615	725-661	Dam Safety	\$	244,442	\$ 259,758
		TOTAL SSR State Special Revenue Fund Group	\$	61,594,456	\$ 63,822,002
		Wildlife Fund Group			
015	740-401	Division of Wildlife Conservation	\$	46,177,752	\$ 48,713,747
815	725-636	Cooperative Management Projects	\$	156,536	\$ 160,449
816	725-649	Wetlands Habitat	\$	943,303	\$ 966,885
817	725-655	Wildlife Conservation Checkoff Fund	\$	1,435,567	\$ 1,472,755
818	725-629	Cooperative Fisheries	\$	964,470	\$ 988,582

	ch			
819	725-685	Ohio River Management	\$ 125,448	\$ 128,584
		TOTAL WLF Wildlife Fund Group	\$ 49,803,076	\$ 52,431,002
Waterways Safety Fund Group				
086	725-414	Waterways Improvement	\$ 3,301,688	\$ 3,472,497
086	725-416	Natural Areas Marine Patrol	\$ 25,000	\$ 0
086	725-417	Parks Marine Patrol	\$ 25,000	\$ 0
086	725-418	Buoy Placement	\$ 41,153	\$ 42,182
086	725-501	Waterway Safety Grants	\$ 134,504	\$ 137,867
086	725-506	Watercraft Marine Patrol	\$ 562,100	\$ 576,153
086	725-513	Watercraft Educational Grants	\$ 357,700	\$ 366,643
086	739-401	Division of Watercraft	\$ 16,579,526	\$ 17,374,158
		TOTAL WSF Waterways Safety Fund Group	\$ 21,026,671	\$ 21,969,500
Holding Account Redistribution Fund Group				
R17	725-659	Performance Cash Bond Refunds	\$ 251,500	\$ 252,000
R43	725-624	Forestry	\$ 1,750,000	\$ 1,750,000
		TOTAL 090 Holding Account Redistribution Fund Group	\$ 2,001,500	\$ 2,002,000
Accrued Leave Liability Fund Group				
4M8	725-675	FOP Contract	\$ 19,609	\$ 20,844
		TOTAL ALF Accrued Leave Liability Fund Group	\$ 19,609	\$ 20,844
		TOTAL ALL BUDGET FUND GROUPS	\$ 315,310,360	\$ 335,298,171

The review and acceptance of amended articles of dedication under section 1517.05 of the Revised Code, as amended by this act, is an administrative function that is performed by the Department of Natural Resources. The amendments to that section clarify the manner in which such reviews are to be conducted. The reviews contemplated by section 1517.05 of the Revised Code, as amended by this act, shall be funded by the general appropriation to the Department of Natural Resources under this section.

SECTION 78.01. NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 725-903, Natural Resources General Obligation Debt Service, shall be used to pay all debt service and financing costs at the times they are required to be made pursuant to sections 151.01 and 151.05 of the Revised Code during the period from July 1, 2001, to June 30, 2003. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an intrastate transfer voucher.

CONSERVATION GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 725-904, Conservation General Obligation Debt Service, shall be used to pay all debt service and financing

costs during the period from July 1, 2001, to June 30, 2003, on obligations to be issued for conservation purposes under Section 2o of Article VIII, Ohio Constitution, and implementing legislation. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an intrastate transfer voucher.

LEASE RENTAL PAYMENTS

The foregoing appropriation item 725-413, OPFC Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2001, to June 30, 2003, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code, but limited to the aggregate amount of \$30,490,500. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.22 of the Revised Code.

FOUNTAIN SQUARE

The foregoing appropriation item 725-404, Fountain Square Rental Payments - OBA, shall be used by the Department of Natural Resources to meet all payments required to be made to the Ohio Building Authority during the period from July 1, 2001, to June 30, 2003, pursuant to leases and agreements with the Ohio Building Authority under section 152.241 of the Revised Code, but limited to the aggregate amount of \$2,181,500.

The Director of Natural Resources, using intrastate transfer vouchers, shall make payments to the General Revenue Fund from funds other than the General Revenue Fund to reimburse the General Revenue Fund for the other funds' shares of the lease rental payments to the Ohio Building Authority. The transfers from the non-General Revenue funds shall be made within 10 days of the payment to the Ohio Building Authority for the actual amounts necessary to fulfill the leases and agreements pursuant to section 152.241 of the Revised Code.

The foregoing appropriation item 725-664, Fountain Square Facilities Management (Fund 635), shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square Complex. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited to the Fountain Square Facilities Management Fund (Fund 635).

SECTION 78.02. CENTRAL SUPPORT INDIRECT

With the exception of the Division of Wildlife, whose indirect central

support charges shall be paid out of the General Revenue Fund from the foregoing appropriation item 725-401, Wildlife - GRF Central Support, the Department of Natural Resources, with the approval of the Director of Budget and Management, shall utilize a methodology for determining each division's payments into the Central Support Indirect Fund (Fund 157). The methodology used shall contain the characteristics of administrative ease and uniform application. Payments to the Central Support Indirect Fund shall be made using an intrastate transfer voucher.

WILDLIFE LICENSE REIMBURSEMENT

Notwithstanding the limits of the transfer from the General Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 of the Revised Code, up to the amount available in appropriation item 725-425, Wildlife License Reimbursement, may be transferred from the General Revenue Fund to the Wildlife Fund (Fund 015). Pursuant to the certification of the Director of Budget and Management of the amount of foregone revenue in accordance with section 1533.15 of the Revised Code, the foregoing appropriation item in the General Revenue Fund, appropriation item 725-425, Wildlife License Reimbursement, shall be used to reimburse the Wildlife Fund (Fund 015) for the cost of hunting and fishing licenses and permits issued after June 30, 1990, to individuals who are exempted under the Revised Code from license, permit, and stamp fees.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may pay to any soil and water conservation district, from authority in appropriation item 725-502, Soil and Water Districts, an annual amount not to exceed \$30,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

Of the foregoing appropriation item 725-502, Soil and Water Districts, \$150,000 in each fiscal year shall be distributed to the Muskingum Watershed Conservancy District and \$50,000 in each fiscal year shall be distributed to the Livestock Assurance Program.

Of the foregoing appropriation 725-502, Soil and Water Districts, \$136,000 shall be earmarked in fiscal year 2002 for Indian Lake, \$56,000 per fiscal year for the Conservation Action Program, \$48,000 in fiscal year 2002 for Millcreek Valley Conservation District, \$40,000 per fiscal year for

Wills Creek Reservoir, \$120,000 in fiscal year 2002 for the relocation of Route 30, \$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

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

Of the foregoing appropriation item 737-321, Division of Soil and Water, \$220,000 in each fiscal year shall be distributed to the Water Quality Laboratory located at Heidelberg College.

CANAL LANDS

The foregoing appropriation item 725-456, Canal Lands, shall be used to transfer funds to the Canal Lands Fund (Fund 430) to provide operating expenses for the State Canal Lands Program. The transfer shall be made using an intrastate transfer voucher and shall be subject to the approval of the Director of Budget and Management.

WATERCRAFT MARINE PATROL

Of the foregoing appropriation item 739-401, Division of Watercraft, not more than \$200,000 in each fiscal year shall be expended for the purchase of equipment for marine patrols qualifying for funding from the Department of Natural Resources pursuant to section 1547.67 of the Revised Code. Proposals for equipment shall accompany the submission of documentation for receipt of a marine patrol subsidy pursuant to section 1547.67 of the Revised Code and shall be loaned to eligible marine patrols pursuant to a cooperative agreement between the Department of Natural Resources and the eligible marine patrol.

FUND CONSOLIDATION

On July 15, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances of the Wildlife Education Fund (Fund 81A) as of June 30, 2001, and any amounts that accrue to that fund after that date, to the Wildlife Education Fund (Fund 015). The Director shall cancel any remaining outstanding encumbrances against appropriation item 725-612, Wildlife Education, and reestablish them against appropriation item 740-401, Division of Wildlife Conservation. The amounts of any encumbrances canceled and reestablished

are appropriated.

On July 15, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances of the Cooperative Boat Harbor Projects Fund (Fund 880) as of June 30, 2001, and any amounts that accrue to that fund after that date, to the Waterways Safety Fund (Fund 086). The director shall cancel any remaining outstanding encumbrances against appropriation item 725-614, Cooperative Boat Harbor Projects, and reestablish them against appropriation item 739-401, Division of Watercraft. The amounts of any encumbrances canceled and reestablished are hereby appropriated.

On July 15, 2001, or as soon thereafter as possible, the 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

The foregoing appropriation item 725-677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. Appropriation authority from this line item shall not be

transferred to any other fund or line item.

SECTION 79. NUR STATE BOARD OF NURSING

General Services Fund Group

4K9 884-609	Operating Expenses	\$	4,816,241	\$	5,205,776
5P8 884-601	Nursing Special Issues	\$	5,000	\$	5,000
TOTAL GSF General Services					
Fund Group		\$	4,821,241	\$	5,210,776
TOTAL ALL BUDGET FUND GROUPS		\$	4,821,241	\$	5,210,776

NURSING SPECIAL ISSUES

Not later than thirty days after the effective date of this section, the Director of Budget and Management shall transfer \$5,000 cash from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the Nursing Special Issues Fund (Fund 5P8).

Not later than July 30, 2002, the Director of Budget and Management shall transfer \$5,000 cash from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the Nursing Special Issues Fund (Fund 5P8).

The foregoing appropriation item 884-601, Nursing Special Issues (Fund 5P8), shall be used to pay the costs the Board of Nursing incurs in implementing section 4723.062 of the Revised Code.

SECTION 80. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD

General Services Fund Group

4K9 890-609	Operating Expenses	\$	681,020	\$	703,201
TOTAL GSF General Services					
Fund Group		\$	681,020	\$	703,201
TOTAL ALL BUDGET FUND GROUPS		\$	681,020	\$	703,201

OPERATING EXPENSES

Notwithstanding Section 74 of Am. H.B. 283 of the 123rd General Assembly, the findings of the two clinical outcomes studies required by the Operating Expenses earmark shall be reported not later than December 31, 2001.

SECTION 81. OLA OHIOANA LIBRARY ASSOCIATION

General Revenue Fund

GRF 355-501	Library Subsidy	\$	243,367	\$	248,786
TOTAL GRF General Revenue Fund		\$	243,367	\$	248,786
TOTAL ALL BUDGET FUND GROUPS		\$	243,367	\$	248,786

SECTION 82. ODB OHIO OPTICAL DISPENSERS BOARD

General Services Fund Group

4K9 894-609 Operating Expenses	\$	280,391	\$	295,277
TOTAL GSF General Services Fund Group	\$	280,391	\$	295,277
TOTAL ALL BUDGET FUND GROUPS	\$	280,391	\$	295,277

SECTION 83. OPT STATE BOARD OF OPTOMETRY

General Services Fund Group

4K9 885-609 Operating Expenses	\$	289,600	\$	306,051
TOTAL GSF General Services Fund Group	\$	289,600	\$	306,051
TOTAL ALL BUDGET FUND GROUPS	\$	289,600	\$	306,051

SECTION 84. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS

General Services Fund Group

4K9973-609 Operating Expenses	\$	98,622	\$	100,518
TOTAL GSF General Services Fund Group	\$	98,622	\$	100,518
TOTAL ALL BUDGET FUND GROUPS	\$	98,622	\$	100,518

SECTION 85. PBR STATE PERSONNEL BOARD OF REVIEW

General Revenue Fund

GRF 124-321 Operating	\$	1,015,059	\$	1,059,243
TOTAL GRF General Revenue Fund	\$	1,015,059	\$	1,059,243

General Services Fund Group

636 124-601 Transcript and Other	\$	39,598	\$	40,587
TOTAL GSF General Services Fund Group	\$	39,598	\$	40,587
TOTAL ALL BUDGET FUND GROUPS	\$	1,054,657	\$	1,099,830

TRANSCRIPT AND OTHER

The foregoing appropriation item 124-601, Transcript and Other, may be used to produce and distribute transcripts and other documents. Revenues generated by charges for transcripts and other documents shall be deposited in the Transcripts and Other Fund (Fund 636).

SECTION 86. PRX STATE BOARD OF PHARMACY

General Services Fund Group

4A5 887-605 Drug Law Enforcement	\$	72,900	\$	75,550
4K9 887-609 Operating Expenses	\$	4,353,629	\$	4,744,594
TOTAL GSF General Services Fund Group	\$	4,426,529	\$	4,820,144
TOTAL ALL BUDGET FUND GROUPS	\$	4,426,529	\$	4,820,144

**SECTION 87. SCR STATE BOARD OF PROPRIETARY SCHOOL
REGISTRATION**

General Revenue Fund

GRF 233-100	Personal Services	\$	326,400	\$	333,429
GRF 233-200	Maintenance	\$	77,760	\$	78,776
GRF 233-300	Equipment	\$	4,286	\$	4,279
TOTAL GRF General Revenue Fund		\$	408,446	\$	416,484
TOTAL ALL BUDGET FUND GROUPS		\$	408,446	\$	416,484

SECTION 88. PSY STATE BOARD OF PSYCHOLOGY

General Services Fund Group

4K9 882-609	Operating Expenses	\$	459,382	\$	486,184
TOTAL GSF General Services Fund Group		\$	459,382	\$	486,184
TOTAL ALL BUDGET FUND GROUPS		\$	459,382	\$	486,184

SECTION 89. PUB OHIO PUBLIC DEFENDER COMMISSION

General Revenue Fund

GRF 019-321	Public Defender Administration	\$	1,772,373	\$	1,772,373
GRF 019-401	State Legal Defense Services	\$	6,983,914	\$	7,259,931
GRF 019-403	Multi-County: State Share	\$	1,110,254	\$	1,104,920
GRF 019-404	Trumbull County-State Share	\$	364,686	\$	363,917
GRF 019-405	Training Account	\$	48,000	\$	48,000
GRF 019-501	County Reimbursement - Non-Capital Cases	\$	33,893,062	\$	34,512,523
GRF 019-503	County Reimbursements - Capital Cases	\$	935,868	\$	1,000,000
TOTAL GRF General Revenue Fund		\$	45,108,157	\$	46,061,664

General Services Fund Group

101 019-602	Inmate Legal Assistance	\$	67,172	\$	71,020
101 019-607	Juvenile Legal Assistance	\$	458,767	\$	481,462
406 019-603	Training and Publications	\$	16,000	\$	16,000
407 019-604	County Representation	\$	213,778	\$	240,556
408 019-605	Client Payments	\$	260,584	\$	285,533
TOTAL GSF General Services Fund Group		\$	1,016,301	\$	1,094,571

Federal Special Revenue Fund Group

3S8 019-608	Federal Representation	\$	564,929	\$	594,247
3U7 019-614	Juvenile JAIBG Grant		51,516		54,601
3U8 019-615	Juvenile Challenge Grant		118,658		124,984
TOTAL FED Federal Special Revenue Fund Group		\$	735,103	\$	773,832

State Special Revenue Fund Group

4C7 019-601	Multi-County: County Share	\$	1,603,064	\$	1,714,575
4X7 019-610	Trumbull County-County	\$	526,560	\$	564,714

	Share			
574	019-606	Legal Services Corporation	\$	15,725,233 \$
		TOTAL SSR State Special Revenue		16,275,558
		Fund Group	\$	17,854,857 \$
		TOTAL ALL BUDGET FUND GROUPS	\$	64,714,418 \$
				66,484,914

INDIGENT DEFENSE OFFICE

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.

MULTI-COUNTY OFFICE

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.

TRAINING ACCOUNT

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.

FEDERAL REPRESENTATION

The foregoing appropriation item 019-608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation on federal court cases.

SECTION 90. DHS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

GRF 763-403	Operating Expenses - EMA	\$	3,851,927	\$	4,225,628
GRF 763-507	Individual and Family Grants	\$	90,014	\$	89,398
GRF 764-404	Transportation Enforcement Operations	\$	2,438,979	\$	2,491,606
GRF 769-321	Food Stamp Trafficking Enforcement Operations	\$	935,817	\$	981,422
	TOTAL GRF General Revenue Fund	\$	7,316,737	\$	7,788,054
	TOTAL ALL BUDGET FUND GROUPS	\$	7,316,737	\$	7,788,054

OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT

Of the foregoing appropriation item 763-403, Operating Expenses - EMA, \$200,000 in each fiscal year shall be used to fund the Ohio Task Force One - Urban Search and Rescue Unit and other urban search and rescue programs around the state to create a stronger search and rescue capability statewide.

IFG STATE MATCH

The foregoing appropriation item 763-507, Individual and Family

Grants, shall be used to fund the state share of costs to provide grants to individuals and families in cases of disaster.

SECTION 91. PUC PUBLIC UTILITIES COMMISSION OF OHIO

General Services Fund Group

5F6	870-622	Utility and Railroad Regulation	\$	29,104,298	\$	30,622,222
5F6	870-624	NARUC/NRRI Subsidy	\$	167,233	\$	167,233
5F6	870-625	Motor Transportation Regulation	\$	4,578,771	\$	4,811,239
558	870-602	Salvage and Exchange	\$	32,474	\$	33,285
TOTAL GSF General Services Fund Group			\$	33,882,776	\$	35,633,979

Federal Special Revenue Fund Group

3V3	870-604	Commercial Vehicle Information Systems/Networks	\$	2,500,000	\$	0
333	870-601	Gas Pipeline Safety	\$	461,920	\$	485,332
350	870-608	Motor Carrier Safety	\$	6,749,153	\$	7,027,712
TOTAL FED Federal Special Revenue Fund Group			\$	9,711,073	\$	7,513,044

State Special Revenue Fund Group

4A3	870-614	Grade Crossing Protection Devices-State	\$	1,311,986	\$	1,349,757
4L8	870-617	Pipeline Safety-State	\$	177,323	\$	187,621
4S6	870-618	Hazardous Material Registration	\$	449,927	\$	464,325
4S6	870-621	Hazardous Materials Base State Registration	\$	364,240	\$	373,346
4U8	870-620	Civil Forfeitures	\$	269,426	\$	284,986
559	870-605	Public Utilities Territorial Administration	\$	4,000	\$	4,000
560	870-607	Special Assessment	\$	100,000	\$	100,000
561	870-606	Power Siting Board	\$	319,839	\$	337,210
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000
661	870-612	Hazardous Materials Transportation	\$	800,000	\$	800,000
TOTAL SSR State Special Revenue Fund Group			\$	3,836,741	\$	3,941,245

Agency Fund Group

4G4	870-616	Base State Registration Program	\$	6,500,000	\$	6,500,000
TOTAL AGY Agency Fund Group			\$	6,500,000	\$	6,500,000
TOTAL ALL BUDGET FUND GROUPS			\$	53,930,590	\$	53,588,268

TEMPORARY CASH TRANSFERS

On July 1, 2001, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$150,000 in cash from Fund 4U8, Civil Forfeitures, and \$350,000 in cash from Fund 4S6, Hazardous Materials Registration, to Fund 3V3, Commercial Vehicle Information

/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

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

General Revenue Fund

GRF 150-907	State Capital Improvements	\$	135,693,200	\$	146,210,200
	General Obligation Debt Service				
TOTAL GRF	General Revenue Fund	\$	135,693,200	\$	146,210,200
TOTAL ALL BUDGET FUND GROUPS		\$	135,693,200	\$	146,210,200

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 150-907, State Capital Improvements General Obligation Debt Service, shall be used to pay all debt service and financing costs at the times they are required to be made pursuant to sections 151.01, 151.08, and 164.10 of the Revised Code during the period from July 1, 2001, to June 30, 2003. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an intrastate transfer voucher.

SECTION 93. RAC STATE RACING COMMISSION

State Special Revenue Fund Group

Am. Sub. H. B. No. 94

1364

5C4 875-607	Simulcast Horse Racing Purse	\$	16,301,749	\$	18,025,043
562 875-601	Thoroughbred Race Fund	\$	4,529,149	\$	4,642,378
563 875-602	Standardbred Development Fund	\$	2,022,797	\$	2,200,810
564 875-603	Quarterhorse Development Fund	\$	1,000	\$	1,000
565 875-604	Racing Commission Operating	\$	4,109,513	\$	4,314,143
TOTAL SSR State Special Revenue Fund Group		\$	26,964,208	\$	29,183,374
Holding Account Redistribution Fund Group					
R21 875-605	Bond Reimbursements	\$	212,900	\$	212,900
TOTAL 090 Holding Account Redistribution Fund Group		\$	212,900	\$	212,900
TOTAL ALL BUDGET FUND GROUPS		\$	27,177,108	\$	29,396,274

SECTION 94. BOR BOARD OF REGENTS

General Revenue Fund

GRF 235-321	Operating Expenses	\$	3,137,394	\$	3,137,394
GRF 235-401	Lease-Rental Payments	\$	295,058,500	\$	268,910,500
GRF 235-402	Sea Grants	\$	299,940	\$	299,940
GRF 235-403	Math/Science Teaching Improvement	\$	1,984,000	\$	2,018,680
GRF 235-404	College Readiness Initiatives	\$	2,500,000	\$	2,500,000
GRF 235-406	Articulation and Transfer	\$	800,000	\$	800,000
GRF 235-408	Midwest Higher Education Compact	\$	75,000	\$	75,000
GRF 235-409	Information System	\$	1,362,023	\$	1,362,023
GRF 235-414	State Grants and Scholarship Administration	\$	1,373,420	\$	1,373,420
GRF 235-415	Jobs Challenge	\$	10,100,000	\$	10,200,000
GRF 235-417	Ohio Learning Network	\$	3,920,000	\$	3,920,000
GRF 235-418	Access Challenge	\$	62,268,000	\$	62,268,000
GRF 235-420	Success Challenge	\$	47,041,000	\$	47,041,000
GRF 235-428	Appalachian New Economy Partnership	\$	1,000,000	\$	1,500,000
GRF 235-454	Research Challenge	\$	20,000,000	\$	20,000,000
GRF 235-455	Productivity Improvement Challenge	\$	1,694,947	\$	1,728,845
GRF 235-474	Area Health Education Centers Program Support	\$	2,093,727	\$	2,135,601
GRF 235-477	Access Improvement Projects	\$	1,110,879	\$	1,110,879
GRF 235-501	State Share of Instruction	\$	1,659,011,727	\$	1,668,611,581
GRF 235-502	Student Support Services	\$	1,000,000	\$	1,000,000
GRF 235-503	Ohio Instructional Grants	\$	98,000,000	\$	111,500,000
GRF 235-504	War Orphans Scholarships	\$	4,652,548	\$	4,792,124
GRF 235-507	OhioLINK	\$	7,668,731	\$	7,668,731
GRF 235-508	Air Force Institute of Technology	\$	2,000,000	\$	2,000,000
GRF 235-509	Displaced Homemakers	\$	240,096	\$	240,096
GRF 235-510	Ohio Supercomputer Center	\$	4,833,574	\$	4,833,574
GRF 235-511	Cooperative Extension	\$	27,708,525	\$	27,708,525

	Service			
GRF 235-513	OU Voinovich Center	\$	367,500	\$ 367,500
GRF 235-514	Central State Supplement	\$	12,044,956	\$ 12,044,956
GRF 235-515	Case Western Reserve University School of Medicine	\$	4,280,224	\$ 4,281,936
GRF 235-519	Family Practice	\$	6,538,471	\$ 6,541,087
GRF 235-520	Shawnee State Supplement	\$	2,272,000	\$ 2,272,000
GRF 235-521	OSU Glenn Institute	\$	367,500	\$ 367,500
GRF 235-524	Police and Fire Protection	\$	240,096	\$ 240,096
GRF 235-525	Geriatric Medicine	\$	1,087,195	\$ 1,108,939
GRF 235-526	Primary Care Residencies	\$	3,166,168	\$ 3,229,491
GRF 235-527	Ohio Aerospace Institute	\$	2,383,334	\$ 2,383,334
GRF 235-530	Academic Scholarships	\$	8,000,000	\$ 8,000,000
GRF 235-531	Student Choice Grants	\$	52,428,000	\$ 53,476,560
GRF 235-534	Student Workforce Development Grants	\$	1,200,000	\$ 1,200,000
GRF 235-535	Ohio Agricultural Research and Development Center	\$	38,730,884	\$ 38,730,884
GRF 235-536	Ohio State University Clinical Teaching	\$	15,989,883	\$ 15,996,281
GRF 235-537	University of Cincinnati Clinical Teaching	\$	13,151,461	\$ 13,156,724
GRF 235-538	Medical College of Ohio at Toledo Clinical Teaching	\$	10,250,851	\$ 10,254,953
GRF 235-539	Wright State University Clinical Teaching	\$	4,980,064	\$ 4,982,057
GRF 235-540	Ohio University Clinical Teaching	\$	4,814,378	\$ 4,816,305
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,951,583	\$ 4,953,565
GRF 235-543	Ohio College of Podiatric Medicine Clinical Subsidy	\$	499,800	\$ 500,000
GRF 235-547	School of International Business	\$	1,708,764	\$ 1,708,764
GRF 235-549	Part-time Student Instructional Grants	\$	13,311,638	\$ 13,977,219
GRF 235-552	Capital Component	\$	14,537,639	\$ 14,537,639
GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,779,088	\$ 3,779,088
GRF 235-554	Computer Science Graduate Education	\$	3,482,368	\$ 3,482,368
GRF 235-555	Library Depositories	\$	1,999,200	\$ 2,039,184
GRF 235-556	Ohio Academic Resources Network	\$	3,510,777	\$ 3,580,993
GRF 235-558	Long-term Care Research	\$	312,004	\$ 312,004
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	164,289	\$ 164,289
GRF 235-572	Ohio State University Clinic Support	\$	2,061,138	\$ 2,061,138
GRF 235-583	Urban University Programs	\$	6,503,559	\$ 6,503,559
GRF 235-585	Ohio University Innovation	\$	48,750	\$ 48,750

	Center				
GRF 235-587	Rural University Projects	\$	1,375,552	\$	1,375,552
GRF 235-588	Ohio Resource Center for Mathematics, Science, and Reading	\$	980,000	\$	980,000
GRF 235-595	International Center for Water Resources Development	\$	185,593	\$	185,593
GRF 235-596	Hazardous Materials Program	\$	390,096	\$	390,096
GRF 235-599	National Guard Scholarship Program	\$	12,048,106	\$	12,048,106
GRF 235-909	Higher Education General Obligation Debt Service	\$	50,055,100	\$	74,344,100
TOTAL GRF General Revenue Fund		\$	2,565,132,040	\$	2,589,158,523
General Services Fund Group					
456 235-603	Publications	\$	43,050	\$	44,342
456 235-613	Job Preparation Initiative	\$	144,383	\$	144,383
TOTAL GSF General Services Fund Group		\$	187,433	\$	188,725
Federal Special Revenue Fund Group					
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000
3N6 235-605	State Student Incentive Grants	\$	2,000,000	\$	2,000,000
3T0 235-610	NHSC Ohio Loan Repayment	\$	100,000	\$	100,000
312 235-609	Tech Prep	\$	183,852	\$	183,852
312 235-611	Gear-up Grant	\$	1,590,986	\$	1,690,434
312 235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960
312 235-631	Federal Grants	\$	2,055,511	\$	0
TOTAL FED Federal Special Revenue Fund Group		\$	7,543,309	\$	5,587,246
State Special Revenue Fund Group					
4E8 235-602	HEFC Administration	\$	13,080	\$	13,900
4P4 235-604	Physician Loan Repayment	\$	416,067	\$	436,870
649 235-607	Ohio State University Highway/Transportation Research	\$	855,021	\$	760,000
682 235-606	Nursing Loan Program	\$	870,000	\$	893,000
TOTAL SSR State Special Revenue Fund Group		\$	2,154,168	\$	2,103,770
TOTAL ALL BUDGET FUND GROUPS		\$	2,575,016,950	\$	2,597,038,264

SECTION 94.01. STATE SHARE OF INSTRUCTION

As soon as practicable during each fiscal year of the 2001-2003 biennium in accordance with instructions of the Board of Regents, each state-assisted institution of higher education shall report its actual enrollment to the Board of Regents.

The Board of Regents shall establish procedures required by the system of formulas set out below and for the assignment of individual institutions to categories described in the formulas. The system of formulas establishes the manner in which aggregate expenditure requirements shall be determined

for each of the three components of institutional operations. In addition to other adjustments and calculations described below, the subsidy entitlement of an institution shall be determined by subtracting from the institution's aggregate expenditure requirements income to be derived from the local contributions assumed in calculating the subsidy entitlements. The local contributions for purposes of determining subsidy support shall not limit the authority of the individual boards of trustees to establish fee levels.

The General Studies and Technical models shall be adjusted by the Board of Regents so that the share of state subsidy earned by those models is not altered by changes in the overall local share. A lower-division fee differential shall be used to maintain the relationship that would have occurred between these models and the baccalaureate models had an assumed share of thirty-seven per cent been funded.

In defining the number of full-time equivalent (FTE) students for state subsidy purposes, the Board of Regents shall exclude all undergraduate students who are not residents of Ohio, except those charged in-state fees in accordance with reciprocity agreements made pursuant to section 3333.17 or employer contracts entered into pursuant to section 3333.32 of the Revised Code.

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT

(1) INSTRUCTION AND SUPPORT SERVICES

MODEL	FY 2002	FY 2003
General Studies I	\$ 4,481	\$ 4,904
General Studies II	\$ 5,046	\$ 5,299
General Studies III	\$ 6,101	\$ 6,652
Technical I	\$ 5,353	\$ 5,696
Technical III	\$ 8,854	\$ 9,044
Baccalaureate I	\$ 7,031	\$ 7,517
Baccalaureate II	\$ 7,875	\$ 8,310
Baccalaureate III	\$ 11,480	\$ 12,193
Masters and Professional I	\$ 13,338	\$ 13,875
Masters and Professional II	\$ 19,084	\$ 19,652
Masters and Professional III	\$ 25,869	\$ 26,577
Medical I	\$ 28,800	\$ 29,934
Medical II	\$ 40,152	\$ 40,981
Blended MPD I	\$ 14,163	\$ 14,877

(2) STUDENT SERVICES

For this purpose, FTE counts shall be weighted to reflect differences among institutions in the numbers of students enrolled on a part-time basis.

MODEL	FY 2002	FY 2003
General Studies I	\$ 694	\$ 747
General Studies II	\$ 704	\$ 747
General Studies III	\$ 687	\$ 747
Technical I	\$ 669	\$ 747
Technical III	\$ 675	\$ 747
Baccalaureate I	\$ 666	\$ 747
Baccalaureate II	\$ 663	\$ 747
Baccalaureate III	\$ 675	\$ 747
Masters and Professional I	\$ 680	\$ 747
Masters and Professional II	\$ 685	\$ 747
Masters and Professional III	\$ 694	\$ 747
Medical I	\$ 668	\$ 747
Medical II	\$ 668	\$ 747
Blended MPD I	\$ 668	\$ 747

(B) PLANT OPERATION AND MAINTENANCE (POM)

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY

Space undergoing renovation shall be funded at the rate allowed for storage space.

In the calculation of square footage for each campus, square footage shall be weighted to reflect differences in space utilization.

The space inventories for each campus shall be those determined in the fiscal year 1999 instructional subsidy, adjusted for changes attributable to the construction or renovation of facilities for which state appropriations were made or local commitments were made prior to January 1, 1995.

Only 50 per cent of the space permanently taken out of operation in fiscal year 2002 or fiscal year 2003 that is not otherwise replaced by a campus shall be deleted from the fiscal year 1997 inventory.

The square-foot-based plant operation and maintenance subsidy for each campus shall be determined as follows:

(a) For each standard room type category shown below, the subsidy-eligible net assignable square feet (NASF) for each campus shall be multiplied by the following rates, and the amounts summed for each campus to determine the total gross square-foot-based POM expenditure requirement:

	FY 2002	FY 2003
Classrooms	\$5.33	\$5.56
Laboratories	\$6.65	\$6.93
Offices	\$5.33	\$5.56

Audio Visual Data Processing	\$6.65	\$6.93
Storage	\$2.36	\$2.46
Circulation	\$6.73	\$7.01
Other	\$5.33	\$5.56

(b) The total gross square-foot POM expenditure requirement shall be allocated to models in proportion to FTE enrollments as reported in enrollment data for all models except Doctoral I and Doctoral II.

(c) The amounts allocated to models in division (B)(1)(b) of this section shall be multiplied by the ratio of subsidy-eligible FTE students to total FTE students reported in each model, and the amounts summed for all models. To this total amount shall be added an amount to support roads and grounds expenditures to produce the total square-foot-based POM subsidy.

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY

(a) The number of subsidy-eligible FTE students in each model shall be multiplied by the following rates for each campus for each fiscal year.

	FY 2002	FY 2003
General Studies I	\$ 537	\$ 543
General Studies II	\$ 669	\$ 686
General Studies III	\$1,424	\$1,565
Technical I	\$ 649	\$ 750
Technical II	\$1,315	\$1,436
Baccalaureate I	\$ 671	\$ 692
Baccalaureate II	\$1,175	\$1,263
Baccalaureate III	\$1,606	\$1,674
Masters and Professional I	\$1,138	\$1,217
Masters and Professional II	\$2,447	\$2,928
Masters and Professional III	\$3,363	\$3,932
Medical I	\$2,568	\$2,653
Medical II	\$3,470	\$3,581
Blended MPD I	\$1,135	\$1,192

(b) The sum of the products for each campus determined in division (B)(2)(a) of this section for all models except Doctoral I and Doctoral II for each fiscal year shall be weighted by a factor to reflect sponsored research activity and job training-related public services expenditures to determine the total activity-based POM subsidy.

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS

The calculation of the core subsidy entitlement shall consist of the following components:

(a) For each campus and for each fiscal year, the core subsidy entitlement shall be determined by multiplying the amounts listed above in divisions (A)(1) and (2) and (B)(2) of this section less assumed local contributions, by (i) average subsidy-eligible FTEs for the two-year period ending in the prior year for all models except Doctoral I and Doctoral II; and (ii) average subsidy-eligible FTEs for the five-year period ending in the prior year for all models except Doctoral I and Doctoral II.

(b) In calculating the core subsidy entitlements for Medical II models only, the Board of Regents shall use the following count of FTE students in place of the two-year average and five-year average of subsidy-eligible students:

(i) For those medical schools whose current year enrollment is below the base enrollment, the Medical II FTE enrollment shall equal: 65 per cent of the base enrollment plus 35 per cent of the current year enrollment, where the base enrollment is:

The Ohio State University	1010
University of Cincinnati	833
Medical College of Ohio at Toledo	650
Wright State University	433
Ohio University	433
Northeastern Ohio Universities College of Medicine	433

(ii) For those medical schools whose current year enrollment is equal to or greater than the base enrollment, the Medical II FTE enrollment shall equal the current enrollment.

(c) For all FTE-based subsidy calculations involving annualized FTE data, FTE-based allowances shall be converted from annualized to all-terms rates to ensure equity and consistency of subsidy determination.

(d) The Board of Regents shall compute the sum of the two calculations listed in division (C)(1)(a) of this section and use the greater sum as the core subsidy entitlement.

The POM subsidy for each campus shall equal the greater of the square-foot-based subsidy or the activity-based POM subsidy component of the core subsidy entitlement.

(e) The state share of instruction provided for doctoral students shall be based on a fixed percentage of the total appropriation. In each fiscal year of the biennium not more than 10.34 per cent of the total state share of instruction shall be reserved to implement the recommendations of the Graduate Funding Commission. It is the intent of the General Assembly that the doctoral reserve be reduced each year thereafter until no more than 10.0

per cent of the total state share of instruction is reserved to implement the recommendations of the Graduate Funding Commission. The Board of Regents shall reallocate zero per cent in fiscal year 2002 and 2 per cent in fiscal year 2003 of the reserve among the state-assisted universities on the basis of a quality review as specified in the recommendations of the Graduate Funding Commission. No such reallocation shall occur in any year in which the total appropriation made to appropriation item 235-501, State Share of Instruction, is less than 103 per cent of the prior fiscal year's total.

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 percentage so that the systemwide sum equals available appropriations.

(E) EXCEPTIONAL CIRCUMSTANCES

Adjustments may be made to the state share of instruction payments and

other subsidies distributed by the Board of Regents to state-assisted colleges and universities for exceptional circumstances. No adjustments for exceptional circumstances may be made without the recommendation of the Chancellor and the approval of the Controlling Board.

DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education according to Board of Regents enrollment estimates. Payments during the last six months of the fiscal year shall be distributed after approval of the Controlling Board upon the request of the Board of Regents.

LAW SCHOOL SUBSIDY

The state share of instruction to state-supported universities for students enrolled in law schools in fiscal year 2002 and fiscal year 2003 shall be calculated by using the number of subsidy-eligible FTE law school students funded by state subsidy in fiscal year 1995 or the actual number of subsidy-eligible FTE law school students at the institution in the fiscal year, whichever is less.

SECTION 94.02. MISSION-BASED CORE FUNDING FOR HIGHER EDUCATION

JOBS CHALLENGE

Funds appropriated to appropriation item 235-415, Jobs Challenge, shall be distributed to state-assisted community and technical colleges, regional campuses of state-assisted universities, and other organizationally distinct and identifiable member campuses of the EnterpriseOhio Network in support of noncredit job-related training. In fiscal years 2002 and 2003, \$2,114,673 and \$1,981,841, respectively, shall be distributed as performance grants to EnterpriseOhio Network campuses based upon each campus's documented performance according to criteria established by the Board of Regents for increasing training and related services to businesses, industries, and public sector organizations.

Of the foregoing appropriation item 235-415, Jobs Challenge, \$3,130,087 in fiscal year 2002 and \$2,875,953 in fiscal year 2003 shall be allocated to the Targeted Industries Training Grant Program to attract, develop, and retain business and industry strategically important to the state's economy.

Also, in fiscal years 2002 and 2003, \$2,991,513 and \$3,629,797, respectively, shall be allocated to the Non-credit Incentives Grant Program to reward two-year campuses for increasing the amount of non-credit skill upgrading services provided to Ohio employers and employees. The funds shall be distributed to campuses in proportion to each campus's share of noncredit job-related training revenues received by all campuses for the previous fiscal year. It is the intent of the General Assembly that this workforce development incentive component of the Jobs Challenge Program reward campus noncredit job-related training efforts in the same manner that the Research Challenge Program rewards campuses for their ability to obtain sponsored research revenues.

Of the foregoing appropriation item 235-415, Jobs Challenge, \$1,863,726 in fiscal year 2002 and \$1,712,409 in fiscal year 2003 shall be allocated as an incentive to support local EnterpriseOhio Network Campus/Adult Workforce Education Center Partnerships. The purpose of the partnerships is to promote and deliver coordinated, comprehensive training to local employers. Each partnership shall include a formal agreement between one or more EnterpriseOhio Network campus and one or more adult workforce education center for the delivery of training services.

ACCESS CHALLENGE

In each fiscal year, the foregoing appropriation item 235-418, Access Challenge, shall be distributed to Ohio's state-assisted access colleges and universities. For the purposes of this allocation, "access campuses" includes state-assisted community colleges, state community colleges, technical colleges, Shawnee State University, Central State University, Cleveland State University, the regional campuses of state-assisted universities, and, where they are organizationally distinct and identifiable, the community-technical colleges located at the University of Cincinnati, Youngstown State University, and the University of Akron.

In 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.

For the purposes of this calculation, Cleveland State University's enrollments shall be adjusted by the ratio of the sum of subsidy-eligible lower-division FTE student enrollments eligible for access funding to the sum of subsidy-eligible General Studies FTE student enrollments at Central State University and Shawnee State University, and for the following

universities and their regional campuses: Ohio State University, Ohio University, Kent State University, Bowling Green State University, Miami University, the University of Cincinnati, the University of Akron, and Wright State University.

SUCCESS CHALLENGE

The foregoing appropriation item 235-420, Success Challenge, shall be used by the Board of Regents to promote degree completion by students enrolled at a main campus of a state-assisted university.

In each fiscal year, two-thirds of the appropriations shall be distributed to state-assisted university main campuses in proportion to each campus's share of the total statewide bachelor's degrees granted by university main campuses to "at-risk" students. In fiscal years 2002 and 2003, an "at-risk" student means any undergraduate student who has received an Ohio Instructional Grant during the past ten years. An eligible institution shall not receive its share of this distribution until it has submitted a plan that addresses how the subsidy will be used to better serve at-risk students and increase their likelihood of successful completion of a bachelor's degree program. The Board of Regents shall disseminate to all state-supported institutions of higher education all such plans submitted by institutions that received Success Challenge funds.

In each fiscal year, one-third of the appropriations shall be distributed to university main campuses in proportion to each campus's share of the total bachelor's degrees granted by university main campuses to undergraduate students who completed their bachelor's degrees in a "timely manner" in the previous fiscal year. For the purposes of this section, "timely manner" means the normal time it would take for a full-time degree-seeking undergraduate student to complete the student's degree. Generally, for such students pursuing a bachelor's degree, "timely manner" means four years. Exceptions to this general rule shall be permitted for students enrolled in programs specifically designed to be completed in a longer time period. The Board of Regents shall collect base-line data beginning with the 1998-99 academic year to assess the timely completion statistics by university main campuses.

RESEARCH CHALLENGE

The foregoing appropriation item 235-454, Research Challenge, shall be used to enhance the basic research capabilities of public colleges and universities and accredited Ohio institutions of higher education holding certificates of authorization issued pursuant to section 1713.02 of the Revised Code, in order to strengthen academic research for pursuing Ohio's economic redevelopment goals. The Board of Regents, in consultation with

the colleges and universities, shall administer the Research Challenge Program and utilize a means of matching, on a fractional basis, external funds attracted in the previous year by institutions for basic research. The program may include incentives for increasing the amount of external research funds coming to eligible institutions and for focusing research efforts upon critical state needs. Colleges and universities shall submit for review and approval to the Board of Regents plans for the institutional allocation of state dollars received through the program. The institutional plans shall provide the rationale for the allocation in terms of the strategic targeting of funds for academic and state purposes, for strengthening research programs, and for increasing the amount of external research funds, and shall include an evaluation process to provide results of the increased support.

The Board of Regents shall submit a biennial report of progress to the General Assembly.

COMPUTER SCIENCE GRADUATE EDUCATION

The foregoing appropriation item 235-554, Computer Science Graduate Education, shall be used by the Board of Regents to support improvements in graduate programs in computer science at state-assisted universities. In each fiscal year, up to \$200,000 may be used to support collaborative efforts in graduate education in this program area.

SECTION 94.03. HIGHER EDUCATION - BOARD OF TRUSTEES

Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Board of Regents.

In providing instructional and other services to students, boards of trustees of state-assisted institutions of higher education shall supplement state subsidies by income from charges to students. Each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service charges shall be for services or benefits furnished individual students or specific categories of students and shall not be applied uniformly to all enrolled students. A tuition surcharge shall be paid by all students who

are not residents of Ohio.

The board of trustees of a state-assisted institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees.

Each state-assisted institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

In providing the appropriations in support of instructional services at state-assisted institutions of higher education and the appropriations for other instruction it is the intent of the General Assembly that faculty members shall devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per quarter per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Board of Regents.

The authority of government vested by law in the boards of trustees of state-assisted institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

SECTION 94.04. MEDICAL SCHOOL SUBSIDIES

The foregoing appropriation item 235-515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Board of Regents in accordance with agreements

entered into as provided for by section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

The foregoing appropriation items 235-536, Ohio State University Clinical Teaching; 235-537, University of Cincinnati Clinical Teaching; 235-538, Medical College of Ohio at Toledo Clinical Teaching; 235-539, Wright State University Clinical Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, Northeastern Ohio Universities College of Medicine Clinical Teaching, shall be distributed through the Board of Regents.

The foregoing appropriation item 235-572, Ohio State University Clinic Support, shall be distributed through the Board of Regents to The Ohio State University for support of dental and veterinary medicine clinics.

The Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation items 235-519, Family Practice, 235-525, Geriatric Medicine, and 235-526, Primary Care Residencies.

Of the foregoing appropriation item 235-539, Wright State University Clinical Teaching, \$160,000 in each fiscal year shall be for the use of Wright State University's Ellis Institute for Clinical Teaching Studies to operate the clinical facility to serve the Greater Dayton area.

PERFORMANCE STANDARDS FOR MEDICAL EDUCATION

The Board of Regents, in consultation with the state-assisted medical colleges, shall develop performance standards for medical education. Special emphasis in the standards shall be placed on attempting to ensure that at least 50 per cent of the aggregate number of students enrolled in state-assisted medical colleges continue to enter residency as primary care physicians. Primary care physicians are general family practice physicians, general internal medicine practitioners, and general pediatric care physicians. The Board of Regents shall monitor medical school performance in relation to their plans for reaching the 50 per cent systemwide standard for primary care physicians.

The foregoing appropriation item 235-526, Primary Care Residencies, shall be distributed in each fiscal year of the biennium, based on whether the institution has submitted and gained approval for a plan. If the institution does not have an approved plan, it shall receive five per cent less funding per student than it would have received from its annual allocation. The remaining funding shall be distributed among those institutions that meet or exceed their targets.

AREA HEALTH EDUCATION CENTERS

The foregoing appropriation item 235-474, Area Health Education Centers Program Support, shall be used by the Board of Regents to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

Of the foregoing appropriation item 235-474, Area Health Education Centers Program Support, \$200,000 in each fiscal year shall be disbursed to the Ohio University College of Osteopathic Medicine for the establishment of a mobile health care unit to serve the southeastern area of the state. Of the foregoing appropriation item 235-474, Area Health Education Centers Program Support, \$150,000 in each fiscal year shall be used to support the Ohio Valley Community Health Information Network (OVCHIN) project.

SECTION 94.05. MIDWEST HIGHER EDUCATION COMPACT

The foregoing appropriation item 235-408, Midwest Higher Education Compact, shall be distributed by the Board of Regents pursuant to section 3333.40 of the Revised Code.

COLLEGE READINESS INITIATIVES

Appropriation item 235-404, College Readiness Initiatives, shall be used by the Board of Regents to support programs designed to improve the ability of high school students to enroll and succeed in higher education.

MATHEMATICS AND SCIENCE TEACHING IMPROVEMENT

Appropriation item 235-403, Math/Science Teaching Improvement, shall be used by the Board of Regents to support programs designed to raise the quality of mathematics and science teaching in primary and secondary education.

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 to continue increasing the capabilities of the EnterpriseOhio Network to meet the ongoing training needs of Ohio employers. Funds shall support multicampus collaboration, best practice dissemination, and capacity building projects. The Regents Advisory Committee for Workforce Development, in its advisory role, shall advise in the development of plans and activities.

Of the foregoing appropriation item 235-455, Productivity Improvement Challenge, \$208,000 in each fiscal year shall be used by the Dayton Business/Sinclair College Jobs Profiling Program.

ACCESS IMPROVEMENT PROJECTS

The foregoing appropriation item 235-477, Access Improvement Projects, shall be used by the Board of Regents to develop innovative statewide strategies to increase student access and retention for specialized populations, and to provide for pilot projects that will contribute to improving access to higher education by specialized populations. The funds may be used for projects that improve access for nonpublic secondary students.

Of the foregoing appropriation item 235-477, Access Improvement Projects, \$765,000 in each fiscal year shall be distributed to the Appalachian Center for Higher Education at Shawnee State University. The board of directors of the center shall consist of the presidents of Shawnee State University, Ohio University, Belmont Technical College, Hocking Technical College, Jefferson Community College, Muskingum Area Technical College, Rio Grande Community College, Southern State Community College, and Washington State Community College; the dean of one of the Salem, Tuscarawas, and East Liverpool regional campuses of Kent State University, as designated by the president of Kent State

University; a representative of the Board of Regents designated by the Chancellor; and other members as may be determined by the Board of Regents.

Of the foregoing appropriation item 235-477, Access Improvement Projects, \$50,000 in fiscal year 2002 shall be distributed to the University of Rio Grande Site Improvement Planning project.

Of the foregoing appropriation item 235-477, Access Improvement Projects, \$135,000 in fiscal year 2002 shall be used to support the Access Appalachia Project.

OHIO SUPERCOMPUTER CENTER

The foregoing appropriation item 235-510, Ohio Supercomputer Center, shall be used by the Board of Regents to support the operation of the center, located at The Ohio State University, as a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate. Policies of the center shall be established by a governance committee, representative of Ohio's research universities and private industry, to be appointed by the Chancellor of the Board of Regents and established for this purpose.

OHIO ACADEMIC RESOURCES NETWORK (OARNET)

The foregoing appropriation item 235-556, Ohio Academic Resources Network, shall be used to support the operations of the Ohio Academic Resources Network, which shall include support for Ohio's state-assisted colleges and universities in maintaining and enhancing network connections.

SECTION 94.06. PLEDGE OF FEES*

Any new pledge of fees, or new agreement for adjustment of fees, made in the 2001-2003 biennium to secure bonds or notes of a state-assisted institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section shall be effective only after approval by the Board of Regents, unless approved in a previous biennium.

HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 235-909, Higher Education General Obligation Debt Service, shall be used to pay all debt service and financing costs at the times they are required to be made pursuant to sections 151.01 and 151.04 of the Revised Code during the period from July 1, 2001, to June 30, 2003. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an interstate transfer voucher.

Of the foregoing appropriation item 235-909, Higher Education General

Obligation Debt Service, surplus funds net of encumbrances from the appropriation for fiscal year 2002 shall be reappropriated to appropriation item 235-501, State Share of Instruction, for fiscal year 2003.

LEASE RENTAL PAYMENTS

The foregoing appropriation item 235-401, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2001, to June 30, 2003, by the Board of Regents pursuant to leases and agreements made under section 154.21 of the Revised Code, but limited to the aggregate amount of \$563,969,000. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.21 of the Revised Code.

Of the forgoing appropriation item 235-401, Lease-Rental Payments, surplus funds net of encumbrances from the appropriation for fiscal year 2002 shall be reappropriated to appropriation item 235-501, State Share of Instruction, for fiscal year 2003.

SECTION 94.07. OHIO INSTRUCTIONAL GRANTS

Notwithstanding section 3333.12 of the Revised Code, in lieu of the tables in that section, instructional grants for all full-time students shall be made for fiscal year 2002 using the tables under this heading.

The tables under this heading prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. The grant amount 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 these tables shall be a percentage of the maximum prescribed in the applicable table. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under the table. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under the table.

For a full-time student who is a dependent and enrolled in a nonprofit educational institution that is not a state-assisted institution and that has a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Private Institution
Table of Grants
Maximum Grant \$5,160

Gross Income	Number of Dependents				
	1	2	3	4	5 or more
Under \$14,000	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160
\$14,001 - \$15,000	4,644	5,160	5,160	5,160	5,160
\$15,001 - \$16,000	4,116	4,644	5,160	5,160	5,160
\$16,001 - \$17,000	3,612	4,116	4,644	5,160	5,160
\$17,001 - \$18,000	3,102	3,612	4,116	4,644	5,160
\$18,001 - \$21,000	2,586	3,102	3,612	4,116	4,644
\$21,001 - \$24,000	2,058	2,586	3,102	3,612	4,116
\$24,001 - \$27,000	1,536	2,058	2,586	3,102	3,612
\$27,001 - \$30,000	1,272	1,536	2,058	2,586	3,102
\$30,001 - \$31,000	1,020	1,272	1,536	2,058	2,586
\$31,001 - \$32,000	930	1,020	1,272	1,536	2,058
\$32,001 - \$33,000	840	930	1,020	1,272	1,536
\$33,001 - \$34,000	420	840	930	1,020	1,272
\$34,001 - \$35,000	--	420	840	930	1,020
\$35,001 - \$36,000	--	--	420	840	930
\$36,001 - \$37,000	--	--	--	420	840
\$37,001 - \$38,000	--	--	--	--	420

For a full-time student who is financially independent and enrolled in a nonprofit educational institution that is not a state-assisted institution and that has a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Private Institution
Table of Grants
Maximum Grant \$5,160

Gross Income	Number of Dependents					
	0	1	2	3	4	5 or more
Under \$4,500	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160
\$4,501 - \$5,000	4,644	5,160	5,160	5,160	5,160	5,160
\$5,001 - \$5,500	4,116	4,644	5,160	5,160	5,160	5,160
\$5,501 - \$6,000	3,612	4,116	4,644	5,160	5,160	5,160
\$6,001 - \$6,500	3,102	3,612	4,116	4,644	5,160	5,160
\$6,501 - \$7,000	2,586	3,102	3,612	4,116	4,644	5,160
\$7,001 - \$8,000	2,058	2,586	3,102	3,612	4,116	4,644
\$8,001 - \$9,000	1,536	2,058	2,586	3,102	3,612	4,116

\$9,001 - \$10,000	1,272	1,536	2,058	2,586	3,102	3,612
\$10,001 - \$11,500	1,020	1,272	1,536	2,058	2,586	3,102
\$11,501 - \$13,000	930	1,020	1,272	1,536	2,058	2,586
\$13,001 - \$14,500	840	930	1,020	1,272	1,536	2,058
\$14,501 - \$16,000	420	840	930	1,020	1,272	1,536
\$16,001 - \$19,000	--	420	840	930	1,020	1,272
\$19,001 - \$22,000	--	--	420	840	930	1,020
\$22,001 - \$25,000	--	--	--	420	840	930
\$25,001 - \$30,000	--	--	--	--	420	840
\$30,001 - \$35,000	--	--	--	--	--	420

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of proprietary school registration, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Proprietary Institution
Table of Grants
Maximum Grant \$4,374

Gross Income	Number of Dependents				
	1	2	3	4	5 or more
Under \$14,000	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374
\$14,001 - \$15,000	3,948	4,374	4,374	4,374	4,374
\$15,001 - \$16,000	3,480	3,948	4,374	4,374	4,374
\$16,001 - \$17,000	3,042	3,480	3,948	4,374	4,374
\$17,001 - \$18,000	2,634	3,042	3,480	3,948	4,374
\$18,001 - \$21,000	2,166	2,634	3,042	3,480	3,948
\$21,001 - \$24,000	1,752	2,166	2,634	3,042	3,480
\$24,001 - \$27,000	1,338	1,752	2,166	2,634	3,042
\$27,001 - \$30,000	1,074	1,338	1,752	2,166	2,634
\$30,001 - \$31,000	858	1,074	1,338	1,752	2,166
\$31,001 - \$32,000	804	858	1,074	1,338	1,752
\$32,001 - \$33,000	708	804	858	1,074	1,338
\$33,001 - \$34,000	354	708	804	858	1,074
\$34,001 - \$35,000	--	354	708	804	858
\$35,001 - \$36,000	--	--	354	708	804
\$36,001 - \$37,000	--	--	--	354	708
\$37,001 - \$38,000	--	--	--	--	354

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
Table of Grants
Maximum Grant \$4,374
Number of Dependents

Gross Income	0	1	2	3	4	5 or more
Under \$4,500	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374
\$4,501 - \$5,000	3,948	4,374	4,374	4,374	4,374	4,374
\$5,001 - \$5,500	3,480	3,948	4,374	4,374	4,374	4,374
\$5,501 - \$6,000	3,042	3,480	3,948	4,374	4,374	4,374
\$6,001 - \$6,500	2,634	3,042	3,480	3,948	4,374	4,374
\$6,501 - \$7,000	2,166	2,634	3,042	3,480	3,948	4,374
\$7,001 - \$8,000	1,752	2,166	2,634	3,042	3,480	3,948
\$8,001 - \$9,000	1,338	1,752	2,166	2,634	3,042	3,480
\$9,001 - \$10,000	1,074	1,338	1,752	2,166	2,634	3,042
\$10,001 - \$11,500	858	1,074	1,338	1,752	2,166	2,634
\$11,501 - \$13,000	804	858	1,074	1,338	1,752	2,166
\$13,001 - \$14,500	708	804	858	1,074	1,338	1,752
\$14,501 - \$16,000	354	708	804	858	1,074	1,338
\$16,001 - \$19,000	--	354	708	804	858	1,074
\$19,001 - \$22,000	--	--	354	708	804	858
\$22,001 - \$25,000	--	--	--	354	708	804
\$25,001 - \$30,000	--	--	--	--	354	708
\$30,001 - \$35,000	--	--	--	--	--	354

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
Number of Dependents

Gross Income	1	2	3	4	5 or more
Under \$14,000	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070
\$14,001 - \$15,000	1,866	2,070	2,070	2,070	2,070
\$15,001 - \$16,000	1,644	1,866	2,070	2,070	2,070

\$16,001 - \$17,000	1,458	1,644	1,866	2,070	2,070
\$17,001 - \$18,000	1,248	1,458	1,644	1,866	2,070
\$18,001 - \$21,000	1,020	1,248	1,458	1,644	1,866
\$21,001 - \$24,000	816	1,020	1,248	1,458	1,644
\$24,001 - \$27,000	612	816	1,020	1,248	1,458
\$27,001 - \$30,000	492	612	816	1,020	1,248
\$30,001 - \$31,000	396	492	612	816	1,020
\$31,001 - \$32,000	366	396	492	612	816
\$32,001 - \$33,000	336	366	396	492	612
\$33,001 - \$34,000	168	336	366	396	492
\$34,001 - \$35,000	--	168	336	366	396
\$35,001 - \$36,000	--	--	168	336	366
\$36,001 - \$37,000	--	--	--	168	336
\$37,001 - \$38,000	--	--	--	--	168

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution
Table of Grants
Maximum Grant \$2,070

Gross Income	Number of Dependents					
	0	1	2	3	4	5 or more
Under \$4,500	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070
\$4,501 - \$5,000	1,866	2,070	2,070	2,070	2,070	2,070
\$5,001 - \$5,500	1,644	1,866	2,070	2,070	2,070	2,070
\$5,501 - \$6,000	1,458	1,644	1,866	2,070	2,070	2,070
\$6,001 - \$6,500	1,248	1,458	1,644	1,866	2,070	2,070
\$6,501 - \$7,000	1,020	1,248	1,458	1,644	1,866	2,070
\$7,001 - \$8,000	816	1,020	1,248	1,458	1,644	1,866
\$8,001 - \$9,000	612	816	1,020	1,248	1,458	1,644
\$9,001 - \$10,000	492	612	816	1,020	1,248	1,458
\$10,001 - \$11,500	396	492	612	816	1,020	1,248
\$11,501 - \$13,000	366	396	492	612	816	1,020
\$13,001 - \$14,500	336	366	396	492	612	816
\$14,501 - \$16,000	168	336	366	396	492	612
\$16,001 - \$19,000	--	168	336	366	396	492
\$19,001 - \$22,000	--	--	168	336	366	396
\$22,001 - \$25,000	--	--	--	168	336	366

\$25,001 - \$30,000	--	--	--	--	168	336
\$30,001 - \$35,000	--	--	--	--	--	168

The foregoing appropriation item 235-503, Ohio Instructional Grants, shall be used to make the payments authorized by division (C) of section 3333.26 of the Revised Code to the institutions described in that division. In addition, this appropriation shall be used to reimburse the institutions described in division (B) of section 3333.26 of the Revised Code for the cost of the waivers required by that division.

Of the appropriation item 235-503, Ohio Instructional Grants, surplus funds net of encumbrances from the appropriation for fiscal year 2002 shall be reappropriated to appropriation item 235-534, Student Workforce Development Grants, for fiscal year 2003.

WAR ORPHANS SCHOLARSHIPS

The foregoing appropriation item 235-504, War Orphans Scholarships, shall be used to reimburse state-assisted institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Ohio Board of Regents under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

PART-TIME STUDENT INSTRUCTIONAL GRANTS

The foregoing appropriation item 235-549, Part-time Student Instructional Grants, shall be used to support a grant program for part-time undergraduate students who are Ohio residents and who are enrolled in degree granting programs.

Eligibility for participation in the program shall include degree granting educational institutions that hold a certificate of registration from the State Board of Proprietary School Registration, and nonprofit institutions that have a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, as well as state-assisted colleges and universities. Grants shall be given to students on the basis of need, as determined by the college, which, in making these determinations, shall give special consideration to single-parent heads-of-household and displaced homemakers who enroll in an educational degree program that prepares the individual for a career. In determining need, the college also shall consider the availability of educational assistance from a student's employer. It is the intent of the General Assembly that these grants not supplant such assistance.

SECTION 94.08. STUDENT CHOICE GRANTS

The foregoing appropriation item 235-531, Student Choice Grants, shall be used to support the Student Choice Grant Program created by section 3333.27 of the Revised Code.

STUDENT WORKFORCE DEVELOPMENT GRANTS

The foregoing appropriation item 235-534, Student Workforce Development Grants, shall be used to support the Student Workforce Development Grant Program. Of the appropriated funds available, the Board of Regents shall distribute grants to each eligible student in an academic year. The size of each grant award shall be determined by the Board of Regents based on the amount of funds available for the program.

ACADEMIC SCHOLARSHIPS

The foregoing appropriation item 235-530, Academic Scholarships, shall be used to provide academic scholarships to students under section 3333.22 of the Revised Code. The annual scholarship amount awarded to any student who receives a scholarship for the 2001-2002 academic year shall be \$2,100, and the annual scholarship amount awarded to any student who receives a scholarship for the 2002-2003 academic year shall be \$2,205.

PHYSICIAN LOAN REPAYMENT

The foregoing appropriation item 235-604, Physician Loan Repayment, shall be used in accordance with sections 3702.71 to 3702.81 of the Revised Code.

NURSING LOAN PROGRAM

The foregoing appropriation item 235-606, Nursing Loan Program, shall be used to administer the nurse education assistance program. Up to \$159,600 in fiscal year 2002 and \$167,580 in fiscal year 2003 may be used for operating expenses associated with the program. Any additional funds needed for the administration of the program are subject to Controlling Board approval.

SECTION 94.09. COOPERATIVE EXTENSION SERVICE

Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$210,000 in each fiscal year shall be used for additional staffing for county agents for expanded 4-H activities. Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$210,000 in each fiscal year shall be used by the Cooperative Extension Service, through the Enterprise Center for Economic Development in cooperation with other agencies, for a public-private effort to create and operate a small business economic development program to enhance the development of alternatives to the growing of tobacco, and implement, through applied research and

demonstration, the production and marketing of other high-value crops and value-added products. Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$65,000 in each fiscal year shall be used for farm labor mediation and education programs. Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$215,000 in each fiscal year shall be used to support the Ohio State University Marion Enterprise Center.

Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$910,500 in each fiscal year shall be used to support the Ohio Watersheds Initiative.

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$950,000 in each fiscal year shall be distributed to the Piketon Agricultural Research and Extension Center.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$250,000 in each fiscal year shall be distributed to the Raspberry/Strawberry-Ellagic Acid Research program at the Ohio State University Medical College in cooperation with the Ohio State University College of Agriculture.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$50,000 in each fiscal year shall be used to support the Ohio Berry Administrator.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$100,000 in each fiscal year shall be used for the development of agricultural crops and products not currently in widespread production in Ohio, in order to increase the income and viability of family farmers.

COOPERATIVE EXTENSION SERVICE AND OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

The foregoing appropriation items 235-511, Cooperative Extension Service, and 235-535, Ohio Agricultural Research and Development Center, shall be disbursed through the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$540,000 in each fiscal year shall be used to purchase equipment.

The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the

2001-2003 biennium for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the center.

SECTION 94.10. SEA GRANTS

The foregoing appropriation item 235-402, Sea Grants, shall be disbursed to The Ohio State University and shall be used to conduct research on fish in Lake Erie.

INFORMATION SYSTEM

The foregoing appropriation item 235-409, Information System, shall be used by the Board of Regents to operate the higher education information data system known as the Higher Education Information System.

STUDENT SUPPORT SERVICES

The foregoing appropriation item 235-502, Student Support Services, shall be distributed by the Board of Regents to Ohio's state-assisted colleges and universities that incur disproportionate costs in the provision of support services to disabled students.

CENTRAL STATE SUPPLEMENT

The foregoing appropriation item 235-514, Central State Supplement, shall be used by Central State University to keep undergraduate fees below the statewide average, consistent with its mission of service to many first-generation college students from groups historically underrepresented in higher education and from families with limited incomes.

SHAWNEE STATE SUPPLEMENT

The foregoing appropriation item 235-520, Shawnee State Supplement, shall be used by Shawnee State University as detailed by both of the following:

(A) To allow Shawnee State University to keep its undergraduate fees below the statewide average, consistent with its mission of service to an economically depressed Appalachian region;

(B) To allow Shawnee State University to employ new faculty to develop and teach in new degree programs that meet the needs of Appalachians.

POLICE AND FIRE PROTECTION

The foregoing appropriation item 235-524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), and Rootstown Township, which may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein. Each

participating municipality and township shall receive at least five thousand dollars per year. Funds shall be distributed by the Board of Regents.

SCHOOL OF INTERNATIONAL BUSINESS

Of the foregoing appropriation item 235-547, School of International Business, \$1,218,764 in each fiscal year shall be used for the continued development and support of the School of International Business of the state universities of northeast Ohio. The money shall go to the University of Akron. These funds shall be used by the university to establish a School of International Business located at the University of Akron. It may confer with Kent State University, Youngstown State University, and Cleveland State University as to the curriculum and other matters regarding the school.

Of the foregoing appropriation item 235-547, School of International Business, \$245,000 in each fiscal year shall be used by the University of Toledo College of Business for expansion of 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 care research.

BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER

The foregoing appropriation item 235-561, Bowling Green State University Canadian Studies Center, shall be used by the Canadian Studies Center at Bowling Green State University to study opportunities for Ohio and Ohio businesses to benefit from the Free Trade Agreement between the United States and Canada.

URBAN UNIVERSITY PROGRAMS

Of the foregoing appropriation item 235-583, Urban University Programs, universities receiving funds that are used to support an ongoing university unit shall certify periodically in a manner approved by the Board of Regents that program funds are being matched on a one-to-one basis with equivalent resources. Overhead support may not be used to meet this requirement. Where Urban University Program funds are being used to support an ongoing university unit, matching funds must come from continuing rather than one-time sources. At each participating state-assisted institution of higher education, matching funds must be within the substantial control of the individual designated by the institution's president as the Urban University Program representative.

Of the foregoing appropriation item 235-583, Urban University Programs, \$372,400 in each fiscal year shall be used to support a public communication outreach program (WCPN). The primary purpose of the program shall be to develop a relationship between Cleveland State University and nonprofit communications entities.

Of the foregoing appropriation item 235-583, Urban University Programs, \$176,400 in each fiscal year shall be used to support the Center for the Interdisciplinary Study of Education and the Urban Child at Cleveland State University. These funds shall be distributed according to rules adopted by the Board of Regents and shall be used by the center for interdisciplinary activities targeted toward increasing the chance of lifetime success of the urban child, including interventions beginning with the prenatal period. The primary purpose of the center is to study issues in urban education and to systematically map directions for new approaches and new solutions by bringing together a cadre of researchers, scholars, and professionals representing the social, behavioral, education, and health disciplines.

Of the foregoing appropriation item 235-583, Urban University Programs, \$254,800 in each fiscal year shall be used to support the Kent State University Learning and Technology Project. This project is a kindergarten through university collaboration between schools surrounding

Kent's eight campuses in northeast Ohio, and corporate partners who will assist in development and delivery.

The Kent State University Project shall provide a faculty member who has a full-time role in the development of collaborative activities and teacher instructional programming between Kent and the K-12th grade schools that surround its eight campuses; appropriate student support staff to facilitate these programs and joint activities; and hardware and software to schools that will make possible the delivery of instruction to pre-service and in-service teachers, and their students, in their own classrooms or school buildings. This shall involve the delivery of low-bandwidth streaming video and web-based technologies in a distributed instructional model.

Of the foregoing appropriation item 235-583, Urban University Programs, \$98,000 in each fiscal year shall be used to support the Ameritech Classroom/Center for Research at Kent State University.

Of the foregoing appropriation item 235-583, Urban University Programs, \$980,000 in each fiscal year shall be used to support the Polymer Distance Learning Project at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Programs, \$49,000 in each fiscal year shall be distributed to the 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 fiscal year, and Ohio University shall receive \$740,977 in each fiscal year. These funds shall be used to support the Institute for Local Government Administration and Rural Development at Ohio University, the Center for Public Management and Regional Affairs at Miami University, and the Center for Policy Analysis and Public Service at Bowling Green State University.

Of the foregoing appropriation item 235-587, Rural University Projects, \$24,500 in each fiscal year shall be used to support the Washington State Community College day care center.

Of the foregoing appropriation item 235-587, Rural University Projects, \$73,500 in each fiscal year shall be used to support the COAD/ILGARD/GOA Appalachian Leadership Initiative.

A small portion of the funds provided to Ohio University shall also be used for the Institute for Local Government Administration and Rural Development State and Rural Policy Partnership with the Governor's Office of Appalachia and the Appalachian delegation of the General Assembly.

OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, AND READING

The foregoing appropriation item 235-588, Ohio Resource Center for Mathematics, Science, and Reading, shall be used to support a resource center for mathematics, science, and reading to be located at a state-assisted university for the purpose of identifying best educational practices in primary and secondary schools and establishing methods for communicating them to colleges of education and school districts.

HAZARDOUS MATERIALS PROGRAM

The foregoing appropriation item 235-596, Hazardous Materials Program, shall be disbursed to Cleveland State University for the operation of a program to certify firefighters for the handling of hazardous materials. Training shall be available to all Ohio firefighters.

Of the foregoing appropriation item 235-596, Hazardous Materials Program, \$150,000 in each fiscal year shall be used to support the Center for the Interdisciplinary Study of Education and Leadership in Public Service at Cleveland State University. These funds shall be distributed by the Board of Regents and shall be used by the center targeted toward increasing the role

of special populations in public service and not-for-profit organizations. The primary purpose of the center is to study issues in public service and to guide strategies for attracting new communities into public service occupations by bringing together a cadre of researchers, scholars and professionals representing the public administration, social behavioral, and education disciplines.

NATIONAL GUARD SCHOLARSHIP PROGRAM

The Board of Regents shall disburse funds from appropriation item 235-599, National Guard Scholarship Program, at the direction of the Adjutant General.

OHIO HIGHER EDUCATIONAL FACILITY COMMISSION SUPPORT

The foregoing appropriation item 235-602, HEFC Administration, shall be used by the Board of Regents for operating expenses related to the Board of Regents' support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the chancellor, the Director of Budget and Management shall transfer up to \$12,000 cash from Fund 461 to Fund 4E8 in each fiscal year of the biennium.

CAPITAL SCHOLARSHIP PROGRAMS

The Chancellor of the Board of Regents may, for the purpose of providing up to one hundred twenty-five scholarships in each fiscal year in the amount of \$2,000 each for students enrolled in Ohio's public and private institutions of higher education to participate in the Washington Center Internship Program, utilize any funds from any appropriation within the budget of the Board of Regents that the Chancellor determines to be available, not to exceed \$250,000 in any fiscal year. The scholarships shall be matched by the Washington Center's scholarship funds.

SECTION 94.11. BREAKTHROUGH INVESTMENTS

OHIO PLAN STUDY COMMITTEE

There is established the Ohio Plan Study Committee, which shall determine appropriate ways to fund the Ohio Plan for Technology and Development. The Study Committee shall consist of the Governor's Science Advisor, the Director of Budget and Management, the Chancellor of the Board of Regents, the Director of Development, three members of the House of Representatives appointed by the Speaker, of whom no more than two shall be of the same political party, and three members of the Senate appointed by the President, of whom no more than two shall be of the same political party. Administrative support for the Study Committee shall be provided by the Board of Regents. The Study Committee shall report its

recommendations to the Governor and the General Assembly no later than December 31, 2001. After it submits its report, the Study Committee shall cease to exist. The Ohio Plan for Technology and Development is intended to promote collaborative efforts among state government, higher education, and business and industry that will lead to the development of New Economy applications of science and technology and, ultimately, new business start-ups in the state and increased economic prosperity for the citizens of Ohio.

APPALACHIAN NEW ECONOMY PARTNERSHIP

The foregoing appropriation item 235-428, Appalachian New Economy Partnership, shall be distributed to Ohio University to begin a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

SECTION 94.12. SCIENCE AND TECHNOLOGY COLLABORATION

The Board of Regents shall work in close collaboration with the Department of Development, the Biomedical Research and Technology Transfer Commission, created within the Board of Regents by section 183.20 of the Revised Code, and the Technology Action Board in relation to appropriation items and programs listed in the following paragraph, and other technology-related appropriations and programs in the Department of Development and the Board of Regents as these agencies may designate, to ensure implementation of a coherent state strategy with respect to science and technology.

Each of the following appropriations and programs: 194-401, Thomas Edison Program; 195-408, Coal Research Development; 195-422, Technology Action; 195-632, Coal Research and Development Fund; 235-428, Appalachian New Economy Partnership; 235-454, Research Challenge; 235-510, Ohio Supercomputer Center; 235-527, Ohio Aerospace Institute; 235-535, Agricultural Research and Development Center; 235-554, Computer Science Graduate Education; 235-556, Ohio Academic Resources Network; and 235-405, Biomedical Research and Technology Transfer Commission, shall be reviewed annually by the Technology Action Board with respect to its development of complementary relationships within a combined state science and technology investment portfolio and its overall contribution to the state's science and technology strategy, including the adoption of appropriately consistent criteria for: (1) the scientific merit of activities supported by the program; (2) the relevance of the program's

activities to commercial opportunities in the private sector; and (3) the private sector's involvement in a process that continually evaluates commercial opportunities to use the work supported by the program. The annual review by the Technology Action Board shall be a comprehensive review of the entire state science and technology program portfolio rather than a review of individual programs.

SECTION 94.13. REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND MONEYS

Notwithstanding any provision of law to the contrary, all repayments of Research Facility Investment Fund loans shall be made to the Bond Service Trust Fund. All Research Facility Investment Fund loan repayments made prior to the effective date of this section shall be transferred by the Director of Budget and Management to the Bond Service Trust Fund within sixty days of the effective date of this section.

Campuses shall make timely repayments of Research Facility Investment Fund loans, according to the schedule established by the Board of Regents. In the case of late payments, the Board of Regents may deduct from an institution's periodic subsidy distribution an amount equal to the amount of the overdue payment for that institution, transfer such amount to the Bond Service Trust Fund, and credit the appropriate institution for the repayment.

VETERANS' PREFERENCES

The Board of Regents shall work with the Governor's Office of Veterans' Affairs to develop specific veterans' preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans' preference laws.

OHIO STATE UNIVERSITY VETERINARY CLINIC

Notwithstanding anything to the contrary in sections 9.33, 123.01, and 3345.50 and Chapter 153. of the Revised Code, The Ohio State University may negotiate, enter into, and locally administer a contract which combines the design and construction elements of the project into a single contract for the College of Veterinary Medicine Large Animal Clinic in Union County, Ohio. This project, costing approximately \$1,200,000, is funded with university funds.

SECTION 94.14. CENTRAL STATE UNIVERSITY

(A) Notwithstanding sections 3345.72, 3345.74, 3345.75, and 3345.76

of the Revised Code and rule 126:3-1-01 of the Administrative Code, Central State University shall adhere to the following fiscal standards:

(1) Maintenance of a balanced budget and filing of quarterly reports on an annualized budget with the Board of Regents, comparing the budget to actual spending and revenues with projected expenditures and revenues for the remainder of the year. Such reports shall include narrative explanations as appropriate and be filed within 30 days of the end of the quarter.

(2) Timely and accurate assessment of the current and projected cash flow of university funds, by fund type;

(3) Timely reconciliation of all university cash and general ledger accounts, by fund;

(4) Submission to the Auditor of State of financial statements consistent with audit requirements prescribed by the Auditor of State within four months after the end of the fiscal year;

(5) Completion of an audit within six months after the end of the fiscal year.

The Director of Budget and Management shall provide clarification to the university on these fiscal standards as deemed necessary. The director also may take such actions as are necessary to ensure that the university adheres to these standards and other fiscal standards consistent with generally accepted accounting principles and the requirements of external entities providing funding to the university. Such actions may include the appointment of a financial consultant to assist Central State University in the continuous process of design and implementation of responsible systems of financial management and accounting.

(B) The director's fiscal oversight shall continue until such time as the university meets the same criteria as those created in paragraph (F) of rule 126:3-1-01 of the Administrative Code for the termination of a fiscal watch. At that time Central State University shall be relieved of the requirements of this section and subject to the requirements of sections 3345.72, 3345.74, 3345.75, and 3345.76 of the Revised Code.

Any encumbered funds remaining from appropriation item 042-407, Central State Deficit, as appropriated in Am. Sub. S.B. 6 of the 122nd General Assembly shall be released during the 2001-2003 biennium for nonrecurring expenses contingent upon the approval of the Director of Budget and Management.

SECTION 95. DRC DEPARTMENT OF REHABILITATION AND CORRECTION

General Revenue Fund

GRF 501-321	Institutional Operations	\$	834,724,490	\$	877,452,200
GRF 501-403	Prisoner Compensation	\$	8,837,616	\$	8,837,616
GRF 501-405	Halfway House	\$	34,573,018	\$	35,673,018
GRF 501-406	Lease Rental Payments	\$	138,116,400	\$	149,653,700
GRF 501-407	Community Nonresidential Programs	\$	15,150,792	\$	15,150,792
GRF 501-408	Community Misdemeanor Programs	\$	7,942,211	\$	7,942,211
GRF 501-501	Community Residential Programs - CBCF	\$	53,015,353	\$	53,015,353
GRF 502-321	Mental Health Services	\$	63,861,558	\$	67,128,946
GRF 503-321	Parole and Community Operations	\$	73,332,328	\$	78,711,552
GRF 504-321	Administrative Operations	\$	27,595,593	\$	27,377,252
GRF 505-321	Institution Medical Services	\$	114,465,573	\$	118,907,262
GRF 506-321	Institution Education Services	\$	22,981,953	\$	24,048,209
GRF 507-321	Institution Recovery Services	\$	6,642,352	\$	6,951,387
TOTAL GRF General Revenue Fund		\$	1,401,239,237	\$	1,470,849,498
General Services Fund Group					
4B0 501-601	Penitentiary Sewer Treatment Facility Services	\$	1,535,919	\$	1,614,079
4D4 501-603	Prisoner Programs	\$	21,872,497	\$	23,135,230
4L4 501-604	Transitional Control	\$	401,772	\$	417,032
4S5 501-608	Education Services	\$	3,727,680	\$	3,894,150
483 501-605	Property Receipts	\$	361,230	\$	373,628
5H8 501-617	Offender Financial Responsibility	\$	435,000	\$	440,000
5L6 501-611	Information Technology Services	\$	5,474,800	\$	3,561,670
571 501-606	Training Academy Receipts	\$	71,567	\$	71,567
593 501-618	Laboratory Services	\$	4,277,711	\$	4,469,231
TOTAL GSF General Services Fund Group		\$	38,158,176	\$	37,976,587
Federal Special Revenue Fund Group					
3S1 501-615	Truth-In-Sentencing Grants	\$	22,906,042	\$	23,432,796
323 501-619	Federal Grants	\$	10,246,790	\$	10,246,790
TOTAL FED Federal Special Revenue Fund Group		\$	33,152,832	\$	33,679,586
Intragovernmental Service Fund Group					
148 501-602	Services and Agricultural	\$	95,102,123	\$	98,634,008
200 501-607	Ohio Penal Industries	\$	43,131,254	\$	44,425,724
TOTAL ISF Intragovernmental Service Fund Group		\$	138,233,377	\$	143,059,732
TOTAL ALL BUDGET FUND GROUPS		\$	1,610,783,622	\$	1,685,565,403

OHIO BUILDING AUTHORITY LEASE PAYMENTS

The foregoing appropriation item 501-406, Lease Rental Payments, shall be used for payments to the Ohio Building Authority for the period July 1, 2001, to June 30, 2003, pursuant to the primary leases and agreements for those buildings made under Chapter 152. of the Revised Code in the amount of \$287,770,100, which are the source of funds pledged for bond service charges on related obligations issued pursuant to Chapter

52. of the Revised Code.

PRISONER COMPENSATION

Money from the foregoing appropriation item 501-403, Prisoner Compensation, shall be transferred on a quarterly basis by intrastate transfer voucher to Fund 148 for the purposes of paying prisoner compensation.

CBCF Title XX FUNDS

Not later than July 15, 2001, the Director of Budget and Management shall transfer \$3,600,000 from Fund 3W3, Adult Special Needs, to the General Revenue Fund. Not later than July 15, 2002, the Director of Budget and Management shall transfer \$3,600,000 from Fund 3W3, Adult Special Needs, to the General Revenue Fund.

INMATE DEVELOPMENT PROGRAM

Of the foregoing appropriation item 503-321, Parole and Community Operations, at least \$30,000 in each fiscal year shall be used for an inmate development program.

INSTITUTION RECOVERY SERVICES

Of the foregoing appropriation item 507-321, Institution Recovery Services, \$50,000 in each fiscal year shall be used to fund a demonstration project using innovative alcohol and substance abuse treatment methods.

SECTION 96. RSC REHABILITATION SERVICES COMMISSION

General Revenue Fund

GRF 415-100	Personal Services	\$	8,506,587	\$	8,949,644
GRF 415-401	Personal Care Assistance	\$	943,374	\$	943,374
GRF 415-402	Independent Living Council	\$	398,582	\$	398,582
GRF 415-403	Mental Health Services	\$	754,473	\$	754,473
GRF 415-404	MR/DD Services	\$	1,326,302	\$	1,326,301
GRF 415-405	Vocational Rehabilitation/Job and Family Services	\$	564,799	\$	564,799
GRF 415-406	Assistive Technology	\$	50,000	\$	50,000
GRF 415-431	Office for People with Brain Injury	\$	246,856	\$	247,746
GRF 415-506	Services for People with Disabilities	\$	11,785,245	\$	12,082,297
GRF 415-508	Services for the Deaf	\$	145,040	\$	145,040
GRF 415-509	Services for the Elderly	\$	378,043	\$	378,044
GRF 415-520	Independent Living Services	\$	61,078	\$	61,078
TOTAL GRF General Revenue Fund		\$	25,160,379	\$	25,901,378

General Services Fund Group

4W5 415-606	Administrative Expenses	\$	18,775,759	\$	19,649,829
467 415-609	Business Enterprise Operating Expenses	\$	1,585,602	\$	1,493,586
TOTAL GSF General Services Fund Group		\$	20,361,361	\$	21,143,415

Federal Special Revenue Fund Group

Am. Sub. H. B. No. 94

1400

3L1	415-601	Social Security Personal Care Assistance	\$	3,044,146	\$	3,044,146
3L1	415-605	Social Security Community Centers for the Deaf	\$	1,100,488	\$	1,100,488
3L1	415-607	Social Security Administration Cost	\$	163,596	\$	171,085
3L1	415-608	Social Security Special Programs/Assistance	\$	16,949,140	\$	7,309,984
3L1	415-610	Social Security Vocational Rehabilitation	\$	1,338,324	\$	1,338,324
3L4	415-612	Federal-Independent Living Centers or Services	\$	681,726	\$	681,726
3L4	415-615	Federal - Supported Employment	\$	1,753,738	\$	1,753,738
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,033,853	\$	1,035,196
317	415-620	Disability Determination	\$	68,752,767	\$	71,452,334
379	415-616	Federal-Vocational Rehabilitation	\$	107,747,928	\$	110,980,366
TOTAL FED Federal Special Revenue Fund Group			\$	202,565,706	\$	198,867,387
State Special Revenue Fund Group						
4L1	415-619	Services for Rehabilitation	\$	5,698,621	\$	5,260,262
468	415-618	Third Party Funding	\$	1,231,465	\$	892,991
TOTAL SSR State Special Revenue Fund Group			\$	6,930,086	\$	6,153,253
TOTAL ALL BUDGET FUND GROUPS			\$	255,017,532	\$	252,065,433

STAND CONCESSIONS FUND - CREDITING OF INCOME

In crediting interest and other income earned on moneys deposited in the Stand Concessions Fund (Fund 467), the Treasurer of State and Director of Budget and Management shall ensure that the requirements of section 3304.35 of the Revised Code are met.

PERSONAL CARE ASSISTANCE

The foregoing appropriation item 415-401, Personal Care Assistance, shall be used in addition to Social Security reimbursement funds to provide personal care assistance services. These funds shall not be used in lieu of Social Security reimbursement funds.

MR/DD SERVICES

The foregoing appropriation item 415-404, MR/DD Services, shall be used as state matching funds to provide vocational rehabilitation services to mutually eligible clients between the Rehabilitation Services Commission and the Department of Mental Retardation and Developmental Disabilities. The Rehabilitation Services Commission shall report to the Department of Mental Retardation and Developmental Disabilities, as outlined in an interagency agreement, on the number and status of mutually eligible clients and the status of the funds and expenditures for these clients.

VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES

The foregoing appropriation item 415-405, Vocational Rehabilitation/Job and Family Services, shall be used as state matching funds to provide vocational rehabilitation services to mutually eligible clients between the Rehabilitation Services Commission and the Department of Job and Family Services. The Rehabilitation Services Commission shall report to the Department of Job and Family Services, as outlined in an interagency agreement, on the number and status of mutually eligible clients and the status of the funds and expenditures for these clients.

ASSISTIVE TECHNOLOGY

The foregoing appropriation item 415-406, Assistive Technology, shall be provided to Assistive Technology of Ohio and shall be used only to provide grants under that program. No amount of the appropriation may be used for administrative costs.

OFFICE FOR PEOPLE WITH BRAIN INJURY

Of the foregoing appropriation item 415-431, Office for People with Brain Injury, \$100,000 in each fiscal year shall be used for the state match for a federal grant awarded through the Traumatic Brain Injury Act, Pub. L. No. 104-166, and \$50,000 in fiscal year 2002 and \$50,000 in fiscal year 2003 shall be provided to the Brain Injury Trust Fund. The remaining appropriation in this item shall be used to plan and coordinate head-injury-related services provided by state agencies and other government or private entities, to assess the needs for such services, and to set priorities in this area.

SERVICES FOR PEOPLE WITH DISABILITIES

On verification of the receipt of revenue in Fund 3W2, Title XX Vocational Rehabilitation, the Director of Budget and Management shall transfer those funds to the General Revenue Fund. The transferred funds are appropriated to appropriation item 415-506, Services for People with Disabilities. The foregoing appropriation item 415-506, Services for People with Disabilities, includes transferred funds of \$600,000 in fiscal year 2002 and \$897,052 in fiscal year 2003.

SERVICES FOR THE DEAF

The foregoing appropriation item 415-508, Services for the Deaf, shall be used to supplement Social Security reimbursement funds used to provide grants to community centers for the deaf. These funds shall not be used in lieu of Social Security reimbursement funds.

SERVICES FOR THE ELDERLY

The foregoing appropriation item 415-509, Services for the Elderly, shall be used as matching funds for vocational rehabilitation services for

eligible elderly citizens with a disability.

SOCIAL SECURITY REIMBURSEMENT FUNDS

Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment, shall be used in the Social Security Reimbursement Fund (Fund 3L1), as follows:

(A) Appropriation item 415-601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;

(B) Appropriation item 415-605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments;

(C) Appropriation item 415-607, Social Security Administration Cost, to provide administrative services needed to administer the Social Security reimbursement program;

(D) Appropriation item 415-608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities, who are Social Security beneficiaries, to achieve competitive employment. This item also includes funds to assist the Personal Care Assistance, Community Centers for the Deaf, and Independent Living Programs to pay their share of indirect costs as mandated by federal OMB Circular A-87.

(E) Appropriation item 415-610, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to individuals with severe disabilities to achieve a noncompetitive employment goal such as homemaker.

ADMINISTRATIVE EXPENSES

The foregoing appropriation item 415-606, Administrative Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.

INDEPENDENT LIVING COUNCIL

The foregoing appropriation items 415-402, Independent Living Council, shall be used to fund the operations of the State Independent Living Council.

MENTAL HEALTH SERVICES

The foregoing appropriation item 415-403, Mental Health Services, shall be used for the provision of vocational rehabilitation services to mutually eligible consumers of the Rehabilitation Services Commission and

the Department of Mental Health.

The Department of Mental Health shall receive a quarterly report from the Rehabilitation Services Commission stating the numbers served, numbers placed in employment, average hourly wage, and average hours worked.

INDEPENDENT LIVING SERVICES

The foregoing appropriation items 415-520, Independent Living Services, and 415-612, Federal-Independent Living Centers or Services, shall be used to support state independent living centers or independent living services pursuant to Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS

The foregoing appropriation item 415-617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs, including, but not limited to, Projects with Industry and Training Grants.

SECTION 97. RCB RESPIRATORY CARE BOARD

General Services Fund Group

4K9 872-609	Operating Expenses	\$	287,191	\$	305,030
TOTAL GSF General Services					
Fund Group		\$	287,191	\$	305,030
TOTAL ALL BUDGET FUND GROUPS					
		\$	287,191	\$	305,030

SECTION 98. REVENUE DISTRIBUTION FUNDS

Volunteer Firefighters' Dependents Fund

085 800-900	Volunteer Firefighters' Dependents Fund	\$	200,000	\$	200,000
TOTAL 085 Volunteer Firefighters' Dependents Fund					
		\$	200,000	\$	200,000
Agency Fund Group					
062 110-900	Resort Area Excise Tax	\$	500,000	\$	500,000
063 110-900	Permissive Tax Distribution	\$	1,398,200,000	\$	1,447,100,000
067 110-900	School District Income Tax Fund	\$	156,800,000	\$	166,200,000
4P8 001-698 Cash Management Improvement Fund					
		\$	2,000,000	\$	2,000,000
608 001-699	Investment Earnings	\$	406,700,000	\$	398,300,000
TOTAL AGY Agency Fund Group					
		\$	1,964,200,000	\$	2,014,100,000
Holding Account Redistribution					
R45 110-617	International Fuel Tax Distribution	\$	40,000,000	\$	41,000,000

Am. Sub. H. B. No. 94

1404

TOTAL R45 Holding Account Redistribution Fund	\$	40,000,000	\$	41,000,000
Revenue Distribution Fund Group				
049 038-900 Indigent Drivers Alcohol Treatment	\$	2,100,000	\$	2,300,000
050 762-900 International Registration Plan Distribution	\$	58,000,000	\$	65,000,000
051 762-901 Auto Registration Distribution	\$	490,000,000	\$	515,000,000
054 110-900 Local Government Property Tax Replacement	\$	43,700,000	\$	88,800,000
060 110-900 Gasoline Excise Tax Fund	\$	116,027,000	\$	118,348,000
064 110-900 Local Government Revenue Assistance	\$	100,600,000	\$	100,900,000
065 110-900 Library/Local Government Support Fund	\$	506,700,000	\$	508,100,000
066 800-900 Undivided Liquor Permit Fund	\$	13,500,000	\$	13,750,000
068 110-900 State/Local Government Highway Distribution Fund	\$	233,750,000	\$	238,893,000
069 110-900 Local Government Fund	\$	718,700,000	\$	720,400,000
082 110-900 Horse Racing Tax	\$	200,000	\$	200,000
083 700-900 Ohio Fairs Fund	\$	3,000,000	\$	3,000,000
TOTAL RDF Revenue Distribution Fund Group	\$	2,286,277,000	\$	2,374,691,000
TOTAL ALL BUDGET FUND GROUPS	\$	4,290,677,000	\$	4,429,991,000

ADDITIONAL APPROPRIATIONS

Appropriation items in this section are to be used for the purpose of administering and distributing the designated revenue distributions fund according to the Revised Code. If it is determined that additional appropriations are necessary, such amounts are appropriated.

SECTION 99. SAN BOARD OF SANITARIAN REGISTRATION

General Services Fund Group

4K9 893-609 Operating Expenses	\$	109,512	\$	115,074
TOTAL GSF General Services Fund Group	\$	109,512	\$	115,074
TOTAL ALL BUDGET FUND GROUPS	\$	109,512	\$	115,074

SECTION 100. OSB OHIO STATE SCHOOL FOR THE BLIND

General Revenue Fund

GRF 226-100 Personal Services	\$	5,880,065	\$	6,157,563
GRF 226-200 Maintenance	\$	700,437	\$	717,948
GRF 226-300 Equipment	\$	139,288	\$	142,770
TOTAL GRF General Revenue Fund	\$	6,719,790	\$	7,018,281
General Services Fund Group				
4H8 226-602 Education Reform Grants	\$	30,652	\$	31,476
TOTAL GSF General Services Fund Group	\$	30,652	\$	31,476

State Special Revenue Fund Group

4M5 226-601	Work Study & Technology Investments	\$	41,854	\$	42,919
-------------	-------------------------------------	----	--------	----	--------

TOTAL SSR State Special Revenue					
---------------------------------	--	--	--	--	--

Fund Group		\$	41,854	\$	42,919
------------	--	----	--------	----	--------

Federal Special Revenue Fund Group

3P5 226-643	Medicaid Professional Services Reimbursement	\$	125,000	\$	125,000
-------------	--	----	---------	----	---------

310 226-626	Coordinating Unit	\$	1,274,274	\$	1,278,475
-------------	-------------------	----	-----------	----	-----------

TOTAL FED Federal Special					
---------------------------	--	--	--	--	--

Revenue Fund Group		\$	1,399,274	\$	1,403,475
--------------------	--	----	-----------	----	-----------

TOTAL ALL BUDGET FUND GROUPS		\$	8,191,570	\$	8,496,151
------------------------------	--	----	-----------	----	-----------

SECTION 101. OSD OHIO STATE SCHOOL FOR THE DEAF**General Revenue Fund**

GRF 221-100	Personal Services	\$	7,662,763	\$	8,022,913
-------------	-------------------	----	-----------	----	-----------

GRF 221-200	Maintenance	\$	998,197	\$	1,018,160
-------------	-------------	----	---------	----	-----------

GRF 221-300	Equipment	\$	270,867	\$	276,284
-------------	-----------	----	---------	----	---------

TOTAL GRF General Revenue Fund		\$	8,931,827	\$	9,317,357
--------------------------------	--	----	-----------	----	-----------

General Services Fund Group

4M1 221-602	Education Reform Grants	\$	68,107	\$	70,701
-------------	-------------------------	----	--------	----	--------

TOTAL GSF General Services					
----------------------------	--	--	--	--	--

Fund Group		\$	68,107	\$	70,701
------------	--	----	--------	----	--------

State Special Revenue Fund Group

4M0 221-601	Educational Program Expenses	\$	35,320	\$	33,188
-------------	------------------------------	----	--------	----	--------

5H6 221-609	Even Start Fees & Gifts	\$	157,723	\$	122,989
-------------	-------------------------	----	---------	----	---------

TOTAL SSR State Special Revenue					
---------------------------------	--	--	--	--	--

Fund Group		\$	193,043	\$	156,177
------------	--	----	---------	----	---------

Federal Special Revenue Fund Group

3R0 221-684	Medicaid Professional Services Reimbursement	\$	90,464	\$	111,377
-------------	--	----	--------	----	---------

3U4 221-603	Even Start	\$	125,000	\$	104,625
-------------	------------	----	---------	----	---------

311 221-625	Coordinating Unit	\$	910,000	\$	933,400
-------------	-------------------	----	---------	----	---------

TOTAL FED Federal Special					
---------------------------	--	--	--	--	--

Revenue Fund Group		\$	1,125,464	\$	1,149,402
--------------------	--	----	-----------	----	-----------

TOTAL ALL BUDGET FUND GROUPS		\$	10,318,441	\$	10,693,637
------------------------------	--	----	------------	----	------------

SECTION 102. SFC SCHOOL FACILITIES COMMISSION**General Revenue Fund**

GRF 230-428	Lease Rental Payments	\$	41,645,300	\$	37,654,300
-------------	-----------------------	----	------------	----	------------

GRF 230-908	Common Schools General Obligation Debt Service	\$	36,418,800	\$	55,336,300
-------------	--	----	------------	----	------------

TOTAL GRF General Revenue Fund		\$	78,064,100	\$	92,990,600
--------------------------------	--	----	------------	----	------------

State Special Revenue Fund Group

5E3 230-644	Operating Expenses	\$	6,096,521	\$	6,409,766
-------------	--------------------	----	-----------	----	-----------

TOTAL SSR State Special Revenue					
---------------------------------	--	--	--	--	--

Fund Group		\$	6,096,521	\$	6,409,766
------------	--	----	-----------	----	-----------

TOTAL ALL BUDGET FUND GROUPS	\$	84,160,621	\$	99,400,366
------------------------------	----	------------	----	------------

SECTION 102.01. LEASE RENTAL PAYMENTS

The foregoing appropriation item 230-428, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2001, to June 30, 2003, by the School Facilities Commission pursuant to leases and agreements made under section 3318.26 of the Revised Code, but limited to the aggregate amount of \$79,299,600. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to Chapter 3318. of the Revised Code.

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 230-908, Common Schools General Obligation Debt Service, shall be used to pay all debt service and financing costs at the times they are required to be made pursuant to sections 151.01 and 151.03 of the Revised Code during the period from July 1, 2001, to June 30, 2003. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an intrastate transfer voucher.

OPERATING EXPENSES

The foregoing appropriation item 230-644, Operating Expenses, shall be used by the Ohio School Facilities Commission to carry out its responsibilities pursuant to this section and Chapter 3318. of the Revised Code.

Within ten days after the effective date of this section, or as soon as possible thereafter, the Executive Director of the Ohio School Facilities Commission shall certify to the Director of Budget and Management the amount of cash to be transferred from the School Building Assistance Fund (Fund 032) or the Public School Building Fund (Fund 021) to the Ohio School Facilities Commission Fund (Fund 5E3).

By July 10, 2002, the Executive Director of the Ohio School Facilities Commission shall certify to the Director of Budget and Management the amount of cash to be transferred from the School Building Assistance Fund (Fund 032) or the Public School Building Fund (Fund 021) to the Ohio School Facilities Commission Fund (Fund 5E3).

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

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

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:

(1) "Percentile" means the percentile in which a school district is ranked according to the fiscal year 1998 ranking of school districts with regard to income and property wealth under division (B) of section 3318.011 of the Revised Code.

(2) "School district" means a city, local, or exempted village school district, but excluding a school district that is one of the state's 21 urban school districts as defined in division (O) of section 3317.02 of the Revised Code, as that section existed prior to July 1, 1998.

(3) "Valuation per pupil" means a district's total taxable value as defined in section 3317.02 of the Revised Code divided by the district's ADM as defined in division (A) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(B) The School Facilities Commission shall adopt rules for awarding grants to school districts with a valuation per pupil of less than \$200,000, to be used for construction, reconstruction, or renovation projects in classroom facilities, the purpose of which is to improve access to such facilities by physically handicapped persons. The rules shall include application procedures. No school district shall be awarded a grant under this section in excess of \$100,000. In addition, any school district shall be required to pay a percentage of the cost of the project or which the grant is being awarded equal to the percentile in which the district is ranked.

(C) The School Facilities Commission is hereby authorized to transfer a portion of appropriation item CAP-622, Public School Buildings, contained in Am. Sub. H.B. No. 283 of the 123rd General Assembly, to CAP-777, Disability Access Projects, to provide funds to make payments resulting from the approval of applications for disability access grants received prior

to January 1, 1999. The amounts transferred are appropriated.

SECTION 102.02. In fiscal year 2002, the Director of Budget and Management shall deposit into the Community School Classroom Facilities Loan Guarantee Fund, established under section 3318.52 of the Revised Code, ten million dollars from the moneys that have been appropriated to the Ohio School Facilities Commission for capital projects. The moneys so deposited shall be used by the Commission to guarantee loans to community schools under section 3318.50 of the Revised Code.

SECTION 103. NET OHIO SCHOOLNET COMMISSION

General Revenue Fund

GRF 228-404	Operating Expenses	\$	7,255,189	\$	7,117,741
GRF 228-406	Technical and Instructional Professional Development	\$	10,475,898	\$	10,172,630
GRF 228-539	Education Technology	\$	6,161,096	\$	5,910,596
Total GRF General Revenue Fund		\$	23,892,183	\$	23,200,967

General Services Fund Group

5D4 228-640	Conference/Special Purpose Expenses	\$	510,700	\$	521,382
TOTAL GSF General Services Fund Group		\$	510,700	\$	521,382

State Special Revenue Fund Group

4W9 228-630	Ohio SchoolNet Telecommunity Fund	\$	547,615	\$	447,615
4X1 228-634	Distance Learning	\$	2,930,000	\$	2,930,000
TOTAL SSR State Special Revenue Fund Group		\$	3,477,615	\$	3,377,615

Federal Special Revenue Fund Group

3S3 228-655	Technology Literacy Challenge	\$	15,918,780	\$	15,918,780
TOTAL FED Federal Special Revenue Fund Group		\$	15,918,780	\$	15,918,780
TOTAL ALL BUDGET FUND GROUPS		\$	43,799,278	\$	43,018,744

SECTION 103.01. INTERACTIVE VIDEO DISTANCE LEARNING PROGRAM

The unencumbered and unallotted balances as of June 30, 2001, in appropriation item 228-650, Interactive Video Distance Learning, are reappropriated to fund projects pursuant to this section. Appropriation item 228-650, Interactive Video Distance Learning, shall be used to extend the Interactive Video Distance Learning Program in accordance with the statewide educational technology strategic plan. The Ohio SchoolNet

Commission shall adopt procedures for the administration and implementation of the Interactive Video Distance Learning Program, which shall include application procedures, specifications for distance learning technology, and terms and conditions for participation in the program. The commission shall not approve any application for participation unless it determines that the applicant can effectively and efficiently integrate the proposed distance learning technology into schools or the selected schools or classrooms for the phase of the program. The commission shall give preference to lower wealth districts or consortia of such districts that do not have existing video conferencing technology.

SCHOOLNET PLUS PROGRAM

The unencumbered and unallotted balances as of June 30, 2001, in appropriation item 228-698, SchoolNet Plus, are hereby reappropriated to fund projects pursuant to this section. Appropriation item 228-698, SchoolNet Plus, may be used to purchase network telecommunications equipment for each public school building in this state to provide classroom and building access to existing and potential statewide voice, video, and data telecommunication services or to establish and equip interactive computer workstations. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district or any community school established under Chapter 3314. of the Revised Code. 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.

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.

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.

Eligible recipients of grants include regional training centers, county offices of education, data collection sites, instructional technology centers, institutions of higher education, public television stations, special education resource centers, area media centers, or other nonprofit educational organizations. Services provided through these grants may include use of private entities subcontracting through the grant recipient.

Grants shall be made to entities on a contractual basis with the Ohio SchoolNet Commission. Contracts shall include provisions that demonstrate how services will benefit technology use in the schools, and in particular will support SchoolNet efforts to support technology in the schools. Contracts shall specify the scope of assistance being offered and the potential number of professionals who will be served. Contracting entities may be awarded more than one grant at a time.

Grants shall be awarded in a manner consistent with the goals of SchoolNet. Special emphasis in the award of grants shall be placed on collaborative efforts among service providers.

Application for grants from this appropriation in appropriation item

-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 instructional and professional development materials for teachers. The commission shall cooperate with education technology agencies in the acquisition, development, and delivery of such educational resources to ensure high-quality and educational soundness at the lowest possible cost. Delivery of such resources may utilize a variety of technologies, with preference given to a high-speed integrated information network that can transport video, voice, data, and graphics simultaneously.

Services shall include presentations and technical assistance that will help students and teachers integrate educational materials that support curriculum objectives, match specific learning styles, and are appropriate for individual interests and ability levels.

Such instructional resources and services shall be made available for purchase by chartered nonpublic schools or by public school districts for the benefit of pupils attending chartered nonpublic schools.

DISTANCE LEARNING

Appropriation item 228-634, Distance Learning, shall be distributed by the Ohio SchoolNet Commission on a grant basis to eligible school districts to establish "distance learning" in the school district. Per the agreement with Ameritech, school districts are eligible for funds if they are within an Ameritech service area. Funds to administer the program shall be expended by the commission up to the amount specified in the agreement with Ameritech.

Within 30 days after the effective date of this section, the Director of Budget and Management shall transfer to fund 4X1 in the State Special Revenue Fund Group any investment earnings from moneys paid to the office or to the SchoolNet Commission by any telephone company as part of a settlement agreement between the company and the Public Utilities Commission in fiscal year 1995.

ELECTRICAL INFRASTRUCTURE

The unencumbered and unallotted balances of June 30, 2001, in appropriation item 228-690, SchoolNet Electrical Infrastructure, are reappropriated to fund projects pursuant to this section. The foregoing appropriation item may be distributed by the Ohio SchoolNet Commission for use by school districts to renovate existing buildings with sufficient electrical service to safely operate educational technology consistent with their SchoolNet and SchoolNet Plus technology plans. The Executive Director of the Ohio SchoolNet Commission shall review grant proposals from school districts for the use of these funds. In evaluating grant proposals, the executive director shall consider the ability and commitment of school districts to contribute local public and private resources to upgrade their electrical service and shall give consideration to consortia of school districts that have formed to optimize resources to upgrade electrical service. In no case shall grant awards exceed \$1,000,000 for a single school district. Funding recommendations for this appropriation made by the executive director are subject to the review of the Ohio SchoolNet Commission.

SECTION 103.03. TOBACCO SETTLEMENT EDUCATION TECHNOLOGIES TRUST FUND

All funds from the Tobacco Settlement Education Technologies Trust Fund are hereby dedicated to the Ohio SchoolNet Commission. Existing balances in the fund and additional revenue deposited prior to June 30, 2003, are hereby appropriated to be used by the SchoolNet Commission for grants to school districts and other entities, and for the costs of administering these grants. Of the total amount for grants, \$1,841,655 in fiscal year 2002 and \$1,917,293 in fiscal year 2003 shall be used for the

Ohio ONEnet project, \$4,086,000 in fiscal year 2002 shall be used for Interactive Video Distance Learning, \$865,950 in fiscal year 2002 and \$909,247 in fiscal year 2003 shall be used for the INFOhio Network, \$313,500 in fiscal year 2002 and \$298,750 in fiscal year 2003 shall be used for the JASON Project, \$1,000,000 in each fiscal year shall be used for RISE Learning Solutions, and \$200,000 in each fiscal year shall be used for the Stark County School Teacher Technical Training Center. The remaining amount for grants shall be made to school districts.

The ONEnet Ohio Project is designed to link all public K-12 classrooms to each other and the Internet, and to provide access to voice, video, and data educational resources for students and teachers.

The Interactive Video Distance Learning Program shall provide competitive grants to school districts or consortia of school districts to purchase necessary distance learning technology, pay recurring connectivity costs, train technology coordinators to use, maintain, and support distance learning technology, train teachers to use distance learning technology in the classroom, and provide ongoing content development to be shared statewide.

The INFOhio Network is a network of library resources to support the provision of electronic resources to all public schools with preference given to elementary schools. Consideration should be given to coordinating the allocation of these moneys with the efforts of OhioLINK and the Ohio Public Information Network.

The JASON Project shall provide funding for statewide access and a 75% subsidy for statewide licensing of JASON content for 90,000 middle school students statewide, and professional development for teachers participating in the program.

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.

In the event that the funds in the Tobacco Settlement Education Technologies Trust Fund are not sufficient to cover the appropriations for the specific projects listed in this section, spending on every project shall be reduced proportionately.

SECTION 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.

The Task Force shall be composed of six voting members, three of whom shall be members of the Senate appointed by the President of the Senate and three of whom shall be members of the House of Representatives appointed by the Speaker of the House of Representatives. Not more than two members from each house shall be members of the same political party. From among these six voting members, the President of the Senate and the Speaker of the House of Representatives jointly shall appoint a chairperson of the Task Force. The Task Force shall include as ex officio nonvoting members the Superintendent of Public Instruction or the Superintendent's designee, the Director of Budget and Management or the Director's designee, the Director of Administrative Services or the Director's designee, the Executive Director of the Ohio SchoolNet Commission or the Executive Director's designee, a representative designated by the head of the Ohio Education Computer Network, a representative designated by the Chairperson of the Public Utilities Commission of Ohio, a representative appointed by the Chairperson of the Ohio Educational Telecommunications Network Commission, a representative of Ohio's business community appointed by the President of the Senate, and a representative from an educational service center appointed by the Speaker of the House of

Representatives. The voting members may, by majority vote, elect to include any number of additional nonvoting members.

The Legislative Service Commission shall provide any staffing assistance requested by the Task Force. The Task Force shall issue a report not later than December 1, 2002. Upon issuing its report, the Task Force shall cease to exist.

SECTION 104. SOS SECRETARY OF STATE

General Revenue Fund

GRF 050-321	Operating Expenses	\$	3,300,000	\$	3,300,000
GRF 050-403	Election Statistics	\$	146,963	\$	154,882
GRF 050-407	Pollworkers Training	\$	231,400	\$	327,600
GRF 050-409	Litigation Expenditures	\$	26,210	\$	27,622
TOTAL GRF General Revenue Fund		\$	3,704,573	\$	3,810,104

General Services Fund Group

4S8 050-610	Board of Voting Machine Examiners	\$	7,200	\$	7,200
412 050-607	Notary Commission	\$	166,284	\$	171,273
413 050-601	Information Systems	\$	153,300	\$	157,133
414 050-602	Citizen Education Fund	\$	80,000	\$	70,000
TOTAL General Services Fund Group		\$	406,784	\$	405,606

State Special Revenue Fund Group

5N9 050-607	Technology Improvements	\$	120,000	\$	121,000
599 050-603	Business Services Operating Expenses	\$	11,880,000	\$	11,979,000
TOTAL SSR State Special Revenue Fund Group		\$	12,000,000	\$	12,100,000

Holding Account Redistribution Fund Group

R01 050-605	Uniform Commercial Code Refunds	\$	65,000	\$	65,000
R02 050-606	Corporate/Business Filing Refunds	\$	185,000	\$	185,000
TOTAL 090 Holding Account Redistribution Fund Group		\$	250,000	\$	250,000
TOTAL ALL BUDGET FUND GROUPS		\$	16,361,357	\$	16,565,710

BOARD OF VOTING MACHINE EXAMINERS

The foregoing appropriation item 050-610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund, which is created in section 3506.05 of the Revised Code. Moneys not used shall be 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

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.

SECTION 105. SEN THE OHIO SENATE

General Revenue Fund

GRF 020-321	Operating Expenses	\$	11,199,045	\$	11,199,045
TOTAL GRF General Revenue Fund		\$	11,199,045	\$	11,199,045

General Services Fund Group

102 020-602	Senate Reimbursement	\$	402,744	\$	402,744
409 020-601	Miscellaneous Sales	\$	30,980	\$	30,980
TOTAL GSF General Services Fund Group		\$	433,724	\$	433,724
TOTAL ALL BUDGET FUND GROUPS		\$	11,632,769	\$	11,632,769

SECTION 106. CSF COMMISSIONERS OF THE SINKING FUND

Debt Service Fund Group

071 155-901	Highway Obligations Bond Retirement Fund	\$	49,614,300	\$	47,572,500
072 155-902	Highway Capital Improvements Bond Retirement Fund	\$	137,730,500	\$	152,120,700
073 155-903	Natural Resources Bond Retirement	\$	19,001,100	\$	22,101,900
076 155-906	Coal Research and Development Bond Retirement Fund	\$	8,971,700	\$	9,420,300
077 155-907	State Capital Improvements Bond Retirement Fund	\$	135,693,200	\$	146,210,200
078 155-908	Common Schools Capital Facilities Bond Retirement Fund	\$	36,418,800	\$	55,336,300
079 155-909	Higher Education Capital Facilities Bond Retirement Fund	\$	50,055,100	\$	74,344,100
TOTAL DSF Debt Service Fund Group		\$	437,484,700	\$	507,106,000
TOTAL ALL BUDGET FUND GROUPS		\$	437,484,700	\$	507,106,000

ADDITIONAL APPROPRIATIONS

Appropriation items in this section are for the purpose of paying debt service and financing costs on bonds or notes of the state issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary, such amounts are appropriated.

**SECTION 107. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY
& AUDIOLOGY**

General Services Fund Group

4K9 886-609	Operating Expenses	\$	352,727	\$	372,348
TOTAL GSF General Services					
Fund Group		\$	352,727	\$	372,348
TOTAL ALL BUDGET FUND GROUPS					

SECTION 108. BTA BOARD OF TAX APPEALS

General Revenue Fund

GRF 116-321	Operating Expenses	\$	2,499,741	\$	2,569,734
TOTAL GRF General Revenue Fund					

General Services Fund Group

439 116-602	Reproduction of Decisions	\$	7,500	\$	7,500
TOTAL GSF General Services					
Fund Group		\$	7,500	\$	7,500
TOTAL ALL BUDGET FUND GROUPS					

SECTION 109. TAX DEPARTMENT OF TAXATION

General Revenue Fund

GRF 110-321	Operating Expenses	\$	87,611,076	\$	89,566,509
GRF 110-412	Child Support Administration	\$	92,939	\$	90,006
GRF 110-901	Property Tax Allocation - Taxation	\$	380,200,000	\$	399,300,000
GRF 110-906	Tangible Tax Exemption - Taxation	\$	30,000,000	\$	30,900,000
TOTAL GRF General Revenue Fund					

Agency Fund Group

425 110-635	Tax Refunds	\$	860,000,000	\$	875,000,000
TOTAL AGY Agency Fund Group					

General Services Fund Group

433 110-602	Tape File Account	\$	92,082	\$	96,165
TOTAL GSF General Services					
Fund Group		\$	92,082	\$	96,165

State Special Revenue Fund Group

4C6 110-616	International Registration Plan	\$	669,561	\$	706,855
4R6 110-610	Tire Tax Administration	\$	65,000	\$	65,000
435 110-607	Local Tax Administration	\$	29,517,404	\$	24,189,026
436 110-608	Motor Vehicle Audit	\$	1,687,249	\$	1,600,000
437 110-606	Litter Tax and Natural Resource Tax Administration	\$	594,726	\$	625,232
438 110-609	School District Income Tax	\$	2,873,446	\$	2,599,999
5N6 110-618	Kilowatt Hour Tax Administration	\$	85,000	\$	85,000
5N7 110-619	Municipal Internet Site	\$	10,000	\$	10,000
639 110-614	Cigarette Tax Enforcement	\$	161,168	\$	168,925

Am. Sub. H. B. No. 94

1419

642	110-613	Ohio Political Party Distributions	\$	800,000	\$	800,000
688	110-615	Local Excise Tax Administration	\$	300,000	\$	300,000
TOTAL SSR State Special Revenue Fund Group			\$	36,763,554	\$	31,150,037
Federal Special Revenue Fund Group						
3J6	110-601	Motor Fuel Compliance	\$	33,000	\$	33,000
TOTAL FED Federal Special Revenue Fund Group			\$	33,000	\$	33,000
Holding Account Redistribution Fund Group						
R10	110-611	Tax Distributions	\$	2,000	\$	2,000
R11	110-612	Miscellaneous Income Tax Receipts	\$	5,000	\$	5,000
TOTAL 090 Holding Account Redistribution Fund Group			\$	7,000	\$	7,000
TOTAL ALL BUDGET FUND GROUPS			\$	1,394,799,651	\$	1,426,142,717

LITTER CONTROL TAX ADMINISTRATION FUND

Notwithstanding section 5733.12 of the Revised Code, during the period from July 1, 2001, to June 30, 2002, the amount of \$594,726, and during the period from July 1, 2002, to June 30, 2003, the amount of \$625,232, received by the Treasurer of State under Chapter 5733. of the Revised Code, shall be credited to the Litter Control Tax Administration Fund (Fund 437).

INTERNATIONAL REGISTRATION PLAN AUDIT

The foregoing appropriation item 110-616, International Registration Plan, shall be used pursuant to section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX EXEMPTION

The foregoing appropriation item 110-901, Property Tax Allocation - Taxation, is appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts of the state, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

The foregoing appropriation item 110-906, Tangible Tax Exemption - Taxation, is appropriated to pay for the state's costs incurred due to the tangible personal property tax exemption required by division (C)(3) of

section 5709.01 of the Revised Code. The Tax Commissioner shall distribute to each county treasurer the total amount certified by the county treasurer pursuant to section 319.311 of the Revised Code for all local taxing districts located in the county except for school districts, notwithstanding the provision in section 319.311 of the Revised Code which provides for payment of the \$10,000 tangible personal property tax exemption by the Tax Commissioner to the appropriate county treasurer for all local taxing districts located in the county including school districts. Pursuant to division (G) of section 321.24 of the Revised Code, the county auditor shall distribute the amount paid by the Tax Commissioner among the appropriate local taxing districts except for school districts.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation items 110-901, Property Tax Allocation - Taxation, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, and 110-906, Tangible Tax Exemption, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are appropriated.

TAX REFUNDS

The foregoing appropriation item 110-635, Tax Refunds, shall be used to pay refunds as provided in section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary, such amounts are appropriated.

SECTION 110. DOT DEPARTMENT OF TRANSPORTATION

Transportation Modes

General Revenue Fund

GRF 775-451	Public Transportation - State	\$	24,000,000	\$	24,000,000
GRF 775-453	Waterfront Line Lease Payments - State	\$	1,786,000	\$	0
GRF 775-458	Elderly and Disabled Fare Assistance	\$	3,364,000	\$	3,364,000
GRF 776-465	Ohio Rail Development Commission	\$	5,000,000	\$	5,000,000
GRF 776-466	Railroad Crossing and Grade Separation	\$	1,000,000	\$	1,000,000
GRF 777-471	Airport Improvements - State	\$	3,409,876	\$	3,000,576

GRF 777-473	Rickenbacker Lease Payments	\$	600,000	\$	600,000
	- State				
TOTAL GRF General Revenue Fund		\$	39,159,876	\$	36,964,576
Federal Special Revenue Fund Group					
3B9 776-662	Rail Transportation - Federal	\$	600,000	\$	600,000
TOTAL FSR Federal Special Revenue Fund Group		\$	600,000	\$	600,000
State Special Revenue Fund Group					
4N4 776-663	Panhandle Lease Reserve Payments	\$	770,000	\$	770,000
4N4 776-664	Rail Transportation - Other	\$	850,720	\$	1,745,000
TOTAL SSR State Special Revenue Fund Group		\$	1,620,720	\$	2,515,000
TOTAL ALL BUDGET FUND GROUPS		\$	41,380,596	\$	40,079,576

AVIATION LEASE PAYMENTS

The foregoing appropriation item 777-473, Rickenbacker Lease Payments - State, shall be used to meet scheduled payments for the Rickenbacker Port Authority. The Director of Transportation shall certify to the Director of Budget and Management any appropriations in appropriation item 777-473, Rickenbacker Lease Payments - State, that are not needed to make lease payments for the Rickenbacker Port Authority. Notwithstanding section 127.14 of the Revised Code, the amount certified may be transferred by the Director of Budget and Management to appropriation item 777-471, Airport Improvements - State.

TRANSFER OF APPROPRIATIONS - PUBLIC TRANSPORTATION

The Director of Budget and Management may approve requests from the Department of Transportation for the transfer of appropriations between appropriation item 775-451, Public Transportation - State, and appropriation item 775-458, Elderly and Disabled Fare Assistance. Transfers between appropriation items shall be made upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. Such transfers shall be reported to the Controlling Board.

RAILROAD CROSSING AND GRADE SEPARATION

The foregoing appropriation item 776-466, Railroad Crossing and Grade Separation, shall be used to fund the Rail Crossing Safety Initiative, which will provide improvements to communities most affected by rail traffic and related issues.

AIRPORT IMPROVEMENTS - STATE

Of the foregoing appropriation item 777-471, Airport Improvements - State, \$500,000 in fiscal year 2002 shall be used for the Lorain County Airport.

SECTION 111. TOS TREASURER OF STATE

General Revenue Fund

Am. Sub. H. B. No. 94

1422

GRF 090-321	Operating Expenses	\$	10,510,560	\$	12,717,120
GRF 090-401	Office of the Sinking Fund	\$	596,736	\$	614,640
GRF 090-402	Continuing Education	\$	460,150	\$	513,600
GRF 090-524	Police and Fire Disability Pension	\$	43,000	\$	40,000
GRF 090-534	Police & Fire Ad Hoc Cost of Living	\$	280,000	\$	260,000
GRF 090-544	Police and Fire State Contribution	\$	1,200,000	\$	1,200,000
GRF 090-554	Police and Fire Survivor Benefits	\$	1,550,000	\$	1,500,000
GRF 090-575	Police and Fire Death Benefits	\$	23,000,000	\$	24,000,000
TOTAL GRF General Revenue Fund		\$	37,640,446	\$	40,845,360
Agency Fund Group					
425 090-635	Tax Refunds	\$	655,000,000	\$	675,000,000
TOTAL Agency Fund Group		\$	655,000,000	\$	675,000,000
General Services Fund Group					
182 090-608	Financial Planning Commissions	\$	12,944	\$	13,682
4E9 090-603	Securities Lending Income	\$	3,773,177	\$	970,000
4NO 090-611	Treasury Education	\$	27,500	\$	27,500
577 090-605	Investment Pool Reimbursement	\$	662,000	\$	600,000
605 090-609	Treasurer of State Administrative Fund	\$	760,000	\$	1,270,000
TOTAL GSF General Services Fund Group		\$	5,235,621	\$	2,881,182
State Special Revenue Fund Group					
5C5 090-602	County Treasurer Education	\$	92,000	\$	88,000
TOTAL SSR State Special Revenue Fund Group		\$	92,000	\$	88,000
TOTAL ALL BUDGET FUND GROUPS		\$	697,968,067	\$	718,814,542

SECTION 111.01. OFFICE OF THE SINKING FUND

The foregoing appropriation item 090-401, Office of the Sinking Fund, shall be used for financing and other costs incurred by or on behalf of the Commissioners of the Sinking Fund, the Ohio Public Facilities Commission or its secretary, or the Treasurer of State, with respect to State of Ohio general obligation bonds or notes, including, but not limited to, printing, advertising, delivery, rating fees and the procurement of ratings, professional publications, membership in professional organizations, and services referred to in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs by intrastate transfer voucher pursuant to a certification by the Office of the Sinking Fund of the actual 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

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 COMPENSATION BOARD

State Special Revenue Fund Group

691 810-632 PUSTRCB Staff	\$	1,011,437	\$	1,075,158
TOTAL SSR State Special Revenue Fund Group	\$	1,011,437	\$	1,075,158
TOTAL ALL BUDGET FUND GROUPS	\$	1,011,437	\$	1,075,158

SECTION 113. TTA OHIO TUITION TRUST AUTHORITY

State Special Revenue Fund Group

645 095-601 Operating Expenses	\$	4,539,200	\$	4,950,700
TOTAL SSR State Special Revenue Fund Group	\$	4,539,200	\$	4,950,700
TOTAL ALL BUDGET FUND GROUPS	\$	4,539,200	\$	4,950,700

SECTION 114. OVH OHIO VETERANS' HOME

General Revenue Fund

GRF 430-100 Personal Services	\$	14,499,975	\$	15,434,831
GRF 430-200 Maintenance	\$	5,099,666	\$	5,199,159
TOTAL GRF General Revenue Fund	\$	19,599,641	\$	20,633,990

Federal Special Revenue Fund Group

3L2 430-601 Federal Grants	\$	9,823,259	\$	10,059,342
TOTAL FED Federal Special Revenue Fund Group	\$	9,823,259	\$	10,059,342

State Special Revenue Fund Group

4E2 430-602 Veterans Home Operating	\$	5,288,525	\$	5,583,806
484 430-603 Rental and Service Revenue	\$	457,060	\$	509,737

604 430-604	Veterans Home Improvement	\$	725,699	\$	670,096
TOTAL SSR State Special Revenue					
Fund Group		\$	6,471,284	\$	6,763,639
TOTAL ALL BUDGET FUND GROUPS					
		\$	35,894,184	\$	37,456,971

SECTION 115. VET VETERANS' ORGANIZATIONS

General Revenue Fund

VAP AMERICAN EX-PRISONERS OF WAR					
GRF 743-501	State Support	\$	25,030	\$	25,030
VAN ARMY AND NAVY UNION, USA, INC.					
GRF 746-501	State Support	\$	55,012	\$	55,012
VKW KOREAN WAR VETERANS					
GRF 747-501	State Support	\$	49,453	\$	49,453
VJW JEWISH WAR VETERANS					
GRF 748-501	State Support	\$	29,715	\$	29,715
VCW CATHOLIC WAR VETERANS					
GRF 749-501	State Support	\$	57,990	\$	57,990
VPH MILITARY ORDER OF THE PURPLE HEART					
GRF 750-501	State Support	\$	56,377	\$	56,377
VVV VIETNAM VETERANS OF AMERICA					
GRF 751-501	State Support	\$	185,954	\$	185,954
VAL AMERICAN LEGION OF OHIO					
GRF 752-501	State Support	\$	252,328	\$	252,328
VII VETERANS OF WORLD WAR II-KOREA-VIETNAM					
GRF 753-501	State Support	\$	237,919	\$	237,919
VAV DISABLED AMERICAN VETERANS					
GRF 754-501	State Support	\$	166,308	\$	166,308
VOH RAINBOW DIVISION VETERANS' ASSOCIATION, OHIO					
GRF 755-501	State Support	\$	4,226	\$	4,226
VMC MARINE CORPS LEAGUE					
GRF 756-501	State Support	\$	85,972	\$	85,972
V37 37TH DIVISION AEF VETERANS' ASSOCIATION					
GRF 757-501	State Support	\$	5,946	\$	5,946
VFW VETERANS OF FOREIGN WARS					
GRF 758-501	State Support	\$	196,615	\$	196,615
VWI VETERANS OF WORLD WAR I					
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

The foregoing appropriation items 743-501, 746-501, 747-501, 748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 755-501, 756-501, 757-501, 758-501, and 759-501, State Support, shall be released upon approval by the Director of Budget and Management.

AMERICAN EX-PRISONERS OF WAR

The American Ex-Prisoners of War shall be permitted to share an office with the Veterans of World War I.

CENTRAL OHIO UNITED SERVICES ORGANIZATION

Of the foregoing appropriation item 751-501, State Support, Vietnam Veterans of America, \$50,000 in each fiscal year shall be used to support the activities of the Central Ohio USO.

VETERANS SERVICE COMMISSION EDUCATION

Of the foregoing appropriation item 753-501, State Support, Veterans of World War II-Korea-Vietnam, up to \$20,000 in each fiscal year may be used to provide moneys to the Association of County Veterans Service Commissioners to reimburse its member county veterans service commissions for costs incurred in carrying out educational and outreach duties required under divisions (E) and (F) of section 5901.03 of the Revised Code. Upon the presentation of an itemized statement to the Office of Veterans Affairs, the office shall direct the Auditor of State to issue a warrant upon the state treasury to the association to reimburse member commissions for reasonable and appropriate expenses incurred performing these duties. The association shall establish uniform procedures for reimbursing member commissions.

SECTION 116. DVM STATE VETERINARY MEDICAL BOARD

General Services Fund Group

4K9 888-609	Operating Expenses	\$	471,003	\$	496,731
TOTAL GSF General Services					
Fund Group		\$	471,003	\$	496,731
TOTAL ALL BUDGET FUND GROUPS					
		\$	471,003	\$	496,731

SECTION 117. DYS DEPARTMENT OF YOUTH SERVICES

General Revenue Fund

GRF 470-401	RECLAIM Ohio	\$	160,808,723	\$	164,415,944
GRF 470-402	Community Program Services	\$	740,907	\$	839,490
GRF 470-412	Lease Rental Payments	\$	17,376,700	\$	18,739,900
GRF 470-502	Detention Subsidies	\$	6,163,213	\$	6,433,035
GRF 470-510	Youth Services	\$	18,841,205	\$	21,307,671
GRF 472-321	Parole Operations	\$	16,680,042	\$	17,246,018
GRF 477-321	Administrative Operations	\$	14,814,953	\$	15,934,443
GRF 477-406	Interagency Collaborations	\$	252,450	\$	261,299
TOTAL GRF General Revenue Fund					
		\$	235,678,193	\$	245,177,800

General Services Fund Group

175 470-613	Education Reimbursement	\$	8,461,407	\$	8,817,598
4A2 470-602	Child Support	\$	450,000	\$	400,000
4G6 470-605	General Operational Funds	\$	10,000	\$	10,000
479 470-609	Employee Food Service	\$	143,349	\$	146,933
523 470-621	Wellness Program	\$	192,954	\$	197,778

TOTAL GSF General Services			
Fund Group		\$ 9,257,710	\$ 9,572,309
Federal Special Revenue Fund Group			
3V9 470-608	Federal Juvenile Programs FFY 01	\$ 7,828,899	\$ 0
3W0 470-611	Federal Juvenile Programs FFY 02	\$ 0	\$ 7,828,899
3V5 470-604	Juvenile Justice/Delinquency Prevention	\$ 5,159,202	\$ 5,998,092
321 470-601	Education	\$ 1,298,156	\$ 1,334,122
321 470-603	Juvenile Justice Prevention	\$ 2,973,733	\$ 2,973,733
321 470-606	Nutrition	\$ 2,800,000	\$ 2,800,000
321 470-610	Rehabilitation Programs	\$ 83,500	\$ 83,500
321 470-614	Title IV-E Reimbursements	\$ 5,700,000	\$ 5,700,000
321 470-617	Americorps Programs	\$ 407,860	\$ 418,444
TOTAL FED Federal Special Revenue			
Fund Group		\$ 26,251,350	\$ 27,136,790
State Special Revenue Fund Group			
147 470-612	Vocational Education	\$ 2,012,665	\$ 2,090,392
4W3 470-618	Help Me Grow	\$ 10,900	\$ 11,587
5J7 470-623	Residential Treatment Services	\$ 0	\$ 500,000
TOTAL SSR State Special Revenue			
Fund Group		\$ 2,023,565	\$ 2,601,979
TOTAL ALL BUDGET FUND GROUPS			
		\$ 273,210,818	\$ 284,488,878

OHIO BUILDING AUTHORITY LEASE PAYMENTS

The foregoing appropriation item 470-412, Lease Rental Payments, in the Department of Youth Services, shall be used for payments, limited to the aggregate amount of \$36,116,600, to the Ohio Building Authority for the period from July 1, 2001, to June 30, 2003, pursuant to the primary leases and agreements for facilities made under Chapter 152. of the Revised Code, which are the source of funds pledged for bond service charges on related obligations issued pursuant to Chapter 152. of the Revised Code.

RECLAIM OHIO

In determining the amount of moneys necessary to fund the foregoing appropriation item 470-401, RECLAIM Ohio, in fiscal years 2002 and 2003, the Department of Youth Services shall compute the number of state target youth for each fiscal year. As defined in section 5139.01 of the Revised Code, "state target youth" means twenty-five per cent of the projected total number of felony-level delinquency adjudications in the juvenile courts for each year of a biennium, factoring in revocations and recommitments. The foregoing appropriation item 470-401, RECLAIM Ohio, shall provide for an amount not less than \$98 per day for each state target youth or not less than \$20,000 per year for each state target youth for each year of the biennium.

YOUTH SERVICES BLOCK GRANT

Of the foregoing appropriation item 470-510, Youth Services, \$50,000

in fiscal year 2002 shall be distributed directly to Lighthouse Youth Services.

EMPLOYEE FOOD SERVICE AND EQUIPMENT

Notwithstanding section 125.14 of the Revised Code, the foregoing appropriation item 470-609, Employee Food Service, may be used to purchase any food operational items with funds received into the fund from reimbursement for state surplus property.

EDUCATION REIMBURSEMENT

The foregoing appropriation item 470-613, Education Reimbursement, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment. This appropriation item shall not be used for capital expenses.

FINANCIAL ASSISTANCE FOR JUVENILE DETENTION FACILITIES

Pursuant to section 5139.281 of the Revised Code, funding provided to a county for the operation and maintenance of each home shall be in an amount of fifty per cent of the approved annual operating cost, but shall not be in excess of \$156,928 in each fiscal year.

FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES

On July 1, 2001, responsibility for a federal juvenile justice program is transferred from the Office of Criminal Justice Services to the Department of Youth Services. The Department of Youth Services thereupon and thereafter is successor to, assumes the obligations of, and otherwise provides for the continuation of a federal juvenile justice program.

Any business relating to a federal juvenile justice program commenced but not completed by the Office of Criminal Justice Services or its director prior to July 1, 2001, shall be completed by the Department of Youth Services or its director in the same manner, and with the same effect, as if completed by the Office of Criminal Justice Services or its director. Notwithstanding the prior provisions of this section, the Office of Criminal Justice Services shall maintain responsibility for closing out all grants received by the Office of Criminal Justice Services prior to July 1, 2001, under the federal juvenile justice program. In accordance with an appropriation made to the Office of Criminal Justice Services, the Office of Criminal Justice Services may make expenditures from those grants and take all other appropriate actions related to those grants. The Office of

Criminal Justice Services is responsible for any reporting responsibilities associated with those grants.

No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer. All of the Office of Criminal Justice Services' rules, orders, and determinations continue in effect as rules, orders, and determinations of the Department of Youth Services, until modified or rescinded by the Department of Youth Services. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the Office of Criminal Justice Services' rules for a federal juvenile justice program to reflect the transfer of the program to the Department of Youth Services.

The employees of the Office of Criminal Justice Services assigned to work with a federal juvenile justice program are transferred to the Department of Youth Services and shall retain their positions and all the benefits accruing thereto.

No action or proceeding pending on July 1, 2001, is affected by the transfer, and any action or proceeding pending on July 1, 2001, shall be prosecuted or defended in the name of the Department of Youth Services or its director. In all such actions and proceedings, the Department of Youth Services or its director upon application to the court shall be substituted as a party.

SECTION 118. EXPENDITURES AND APPROPRIATION INCREASES APPROVED BY THE CONTROLLING BOARD

Any money that the Controlling Board approves for expenditure or any increase in appropriation authority that the Controlling Board approves pursuant to the provisions of sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is appropriated for the period ending June 30, 2003.

SECTION 119. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and all group insurance programs; the costs of centralized accounting, centralized payroll processing, and related personnel reports and services; the cost of the Office of Collective Bargaining; the cost of the Personnel Board of Review; the cost of the Employee Assistance Program; the cost of the Equal Opportunity Center; the costs of interagency information

management infrastructure; and the cost of administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be determined in conformity with appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item 070-601, Public Audit Expense - Local Government, in Fund 422 may be exempted from the requirements of this section.

SECTION 120. REISSUANCE OF VOIDED WARRANTS

In order to provide funds for the reissuance of voided warrants pursuant to section 117.47 of the Revised Code, there is appropriated, out of moneys in the state treasury from the fund credited as provided in section 117.47 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

SECTION 121. * CAPITAL PROJECT SETTLEMENTS

This section specifies an additional and supplemental procedure to provide for payments of judgments and settlements if the Director of Budget and Management determines, pursuant to division (C)(4) of section 2743.19 of the Revised Code, that sufficient unencumbered moneys do not exist in the particular appropriation to pay the amount of a final judgment rendered against the state or a state agency, including the settlement of a claim approved by a court, in an action upon and arising out of a contractual obligation for the construction or improvement of a capital facility if the costs under the contract were payable in whole or in part from a state capital projects appropriation. In such a case, the director may either proceed pursuant to division (C)(4) of section 2743.19 of the Revised Code, or apply to the Controlling Board to increase an appropriation or create an appropriation out of any unencumbered moneys in the state treasury to the credit of the capital projects fund from which the initial state appropriation was made. The Controlling Board may approve or disapprove the application as submitted or modified. The amount of an increase in appropriation or new appropriation specified in an application approved by the Controlling Board is hereby appropriated from the applicable capital projects fund and made available for the payment of the judgment or settlement.

If the director does not make the application authorized by this section or the Controlling Board disapproves the application, and the director does not make application pursuant to division (C)(4) of section 2743.19 of the

Revised Code, the director shall for the purpose of making that payment request to the General Assembly as provided for in division (C)(5) of that section.

SECTION 122. INCOME TAX DISTRIBUTION TO COUNTIES

There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.

SECTION 123. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE

Any appropriation may be used for the purpose of satisfying judgments or settlements in connection with civil actions against the state in federal court not barred by sovereign immunity or the 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

The maximum amounts that may be assessed against nuclear electric utilities in accordance with division (B)(2) of section 4937.05 of the Revised Code are as follows:

	FY 2002	FY 2003
Department of Agriculture		
Fund 4E4 Utility Radiological Safety	\$69,016	\$73,059
Department of Health		
Fund 610 Radiation Emergency Response	\$870,505	\$923,315
Environmental Protection Agency		
Fund 644 ER Radiological Safety	\$242,446	\$255,947
Emergency Management Agency		
Fund 657 Utility Radiological Safety	\$874,602	\$927,241

SECTION 125. UNCLAIMED FUNDS TRANSFER

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 TRANSFER TO FUND 5N4, ERP PROJECT IMPLEMENTATION

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

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

Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are appropriated.

SECTION 129. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF STATE

Certain appropriations are in this act for the purpose of making lease payments pursuant to leases and agreements relating to bonds or notes issued by the Ohio Building Authority or the Treasurer of State or, previously, by the Ohio Public Facilities Commission, pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are appropriated.

SECTION 130. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS

The Office of Budget and Management shall initiate and process disbursements from lease rental payment appropriation items during the period from July 1, 2001, to June 30, 2003, pursuant to leases and agreements relating to bonds or notes issued under Section 2i of Article VIII, Ohio Constitution, and Chapters 154. and 3318. of the Revised Code. Disbursements shall be made upon certification by the Treasurer of State of the dates and amounts due on those dates.

SECTION 131. STATE AND LOCAL REBATE AUTHORIZATION

There is hereby appropriated, from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations, amounts computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any

rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations pursuant to section 148(f) of the Internal Revenue Code.

Rebate payments shall be approved and vouchered by the Office of Budget and Management.

SECTION 132. TRANSFERS FROM SPECIFIED FUNDS

Notwithstanding any other provision of law to the contrary, the Commissioners of the Sinking Fund shall transfer the balance remaining after provision for payment of all outstanding bonds or notes, coupons, and charges, from the Improvement Bond Retirement Fund, the Public Improvement Bond Retirement Fund, and the Development Bond Retirement Fund, to the General Revenue Fund as expeditiously as possible upon this act taking effect.

Notwithstanding any other provision of law to the contrary, the Commissioners of the Sinking Fund shall transfer the balance remaining after provision for payment of all outstanding bonds or notes, coupons, and charges, from the Highway Improvement Bond Retirement Fund, to the Highway Operating Fund as expeditiously as possible upon taking effect of this act.

SECTION 133. APPROPRIATIONS RELATED TO CASH TRANSFERS AND REESTABLISHMENT OF ENCUMBRANCES

Any cash transferred by the Director of Budget and Management as provided by section 126.15 of the Revised Code is appropriated. Any amounts necessary to reestablish appropriations or encumbrances as provided in section 126.15 of the Revised Code are appropriated.

SECTION 134. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management is authorized to cancel and reestablish all or parts of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to reestablish all or parts of encumbrances are appropriated.

SECTION 135. STATEWIDE INDIRECT COST RECOVERY

Whenever the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to provide for the recovery of statewide indirect costs pursuant to section 126.12 of the Revised Code, the amount required for such purpose is appropriated from the available receipts of such fund.

SECTION 136. GRF TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT COST ALLOCATION PLAN

The total transfers made from the General Revenue Fund by the Director of Budget and Management pursuant to this section shall not exceed the amounts transferred into the General Revenue Fund pursuant to division (B) of section 126.12 of the Revised Code.

A director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation plan pursuant to federal regulations, from any fund included in the Statewide Indirect Cost Allocation plan, prepared as required by section 126.12 of the Revised Code.

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 expended or for a period of two years, whichever is less;

(D) For an encumbrance for any other expense, for such period as the director approves, provided such period does not exceed two years.

Any operating appropriations for which unexpended balances are reappropriated beyond a five-month period from the end of the fiscal year, pursuant to division (B) of this section, shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report on each such item shall include the item, the cost of the item, and the name of the vendor. This report to the board shall be updated on a quarterly basis for encumbrances remaining open.

Upon the expiration of the reappropriation period set out in divisions (A), (B), (C), or (D) of this section, a reappropriation made pursuant to this section lapses, and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation no later than the end of the weekend following the expiration of the reappropriation period.

Notwithstanding the preceding paragraph, with the approval of the Director of Budget and Management, an unexpended balance of an encumbrance that was reappropriated on the first day of July pursuant to this section for a period specified in division (C) or (D) of this section and that remains encumbered at the close of the fiscal biennium is hereby reappropriated pursuant to this section on the first day of July of the following fiscal biennium from the fund from which it was originally appropriated or reappropriated for the applicable period specified in division (C) or (D) of this section and shall remain available only for the purpose of discharging the encumbrance.

If the Controlling Board approved a purchase, that approval remains in effect as long as the appropriation used to make that purchase remains encumbered.

REQUIREMENTS

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.

SECTION 139. FAMILY SERVICES STABILIZATION FUND

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.

SECTION 140. TEMPORARY STABILIZATION OF LOCAL GOVERNMENT DISTRIBUTIONS

(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, 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;

(5) In November 2001 and November 2002, the amounts credited in November 2000;

(6) In December 2001 and December 2002, the amounts credited in December 2000;

(7) In January 2002 and January 2003, the amounts credited in January 2001;

(8) In February 2002 and February 2003, the amounts credited in February 2001;

(9) In March 2002 and March 2003, the amounts credited in March 2001;

(10) In April 2002 and April 2003, the amounts credited in April 2001;

(11) In May 2002 and May 2003, the amounts credited in May 2001;

(12) In June 2002 and June 2003, the amounts credited in June 2000.

(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 instead be transferred to the General Revenue Fund.

Notwithstanding any other provision of law to the contrary, the Tax Commissioner shall compute separate adjustments to the amounts credited from the public utility excise, corporate franchise, sales, use, and personal income taxes to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund during July 2001. The adjustments shall equal the amount credited to each respective fund from each respective tax during June 2000 minus the amount credited to that fund from that tax during June 2001. If an adjustment is a positive amount, during July 2001, such amount shall be credited to the Local Government Fund, the Local Government Revenue Assistance Fund, or the Library and Local Government Support Fund, as appropriate, and shall be deducted from the General Revenue Fund. If an adjustment is a negative amount, during July 2001, such amount shall be deducted from the Local Government Fund, the Local Government Revenue Assistance Fund, or the Library and Local Government Support Fund, as appropriate, and shall be credited to the General Revenue Fund. Any amount remaining in the Local Government Fund, the Local Government Revenue Assistance Fund, or the Library and Local Government Support Fund after the distributions from such funds are made to local governments in August 2001, shall be certified by the Tax Commissioner to the Director of Budget and Management by August 15, 2001, and the Director of Budget and Management shall transfer such amount from each respective fund to the General Revenue Fund by August 31, 2001.

For purposes of this section, "pro rata share" means the percentage calculated for each county and used in each month of the period July 2000 through June 2001 to distribute the amounts credited to the Library and Local Government Support Fund in accordance with section 5747.47 of the Revised Code.

Notwithstanding any other provision of law to the contrary, in July 2001, each county undivided library and local government support fund shall receive from the Library and Local Government Support Fund an amount equal to the amount it would have received pursuant to section 5747.47 of the Revised Code for that month, minus its pro rata share of any amount that has been or shall be transferred from the Library and Local Government Support Fund to the OPLIN Technology Fund in that month. In August 2001, each county undivided library and local government support fund shall receive from the Library and Local Government Support Fund an amount equal to the amount it received from that fund in July 2000 and August 2000 minus the amount it received from that fund in July 2001 and minus its pro rata share of any amount transferred from that fund to the

OPLIN Technology Fund in July 2001 or August 2001. In August 2001, each county undivided local government fund shall receive from the Local Government Fund, each municipality that receives a distribution directly from the Local Government Fund shall receive from that fund, and each county undivided local government revenue assistance fund shall receive from the Local Government Revenue Assistance Fund an amount equal to the amount it received from that respective fund in July 2000 and August 2000 minus the amount it received from that respective fund in July 2001. In each month of the periods September 1, 2001, through June 30, 2002, and September 1, 2002, through June 30, 2003, each county undivided local government fund shall receive from the Local Government Fund, each municipality that receives a distribution directly from the Local Government Fund shall receive from that fund, each county undivided local government revenue assistance fund shall receive from the Local Government Revenue Assistance Fund, and each county undivided library and local government support fund shall receive from the Library and Local Government Support Fund, the same amount it received from that respective fund in the corresponding month of the period September 1, 2000, through June 2001. In each month of the period July 1, 2002, through August 31, 2002, and in the month of July 2003, each county undivided local government fund shall receive from the Local Government Fund, each municipality that receives a distribution directly from the Local Government Fund shall receive from that fund, each county undivided local government revenue assistance fund shall receive from the Local Government Revenue Assistance Fund, and each county undivided library and local government support fund shall receive from the Library and Local Government Support Fund, the same amount it received from that respective fund in the corresponding month of the period July 1, 2000, through August 31, 2000. If during any month of the period September 1, 2001, through July 31, 2003, a transfer is made from the Library and Local Government Support Fund to the OPLIN Technology Fund, the amount distributed to each county undivided library and local government support fund shall be reduced by its pro rata share of the amount transferred.

During the period July 1, 2001, through July 31, 2003, the Director of Budget and Management shall issue those directives to state agencies that are necessary to ensure that the appropriate amounts are distributed to the Local Government Fund, to the Local Government Revenue Assistance Fund, and to the Library and Local Government Support Fund to accomplish the purposes of this section.

SECTION 141. Notwithstanding section 131.43 of the Revised Code, on or before June 30, 2001, if the Director of Budget and Management determines that the unobligated and unencumbered balance in the General Revenue Fund at the end of fiscal year 2001 will be less than \$188,200,000, the Director shall transfer cash from the Budget Stabilization Fund to the General Revenue Fund in the amount necessary to achieve that ending balance amount.

Within ten days of making such a transfer, the Director shall submit a report to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate that describes the amount of the transfer and the reasons for determining that the transfer was necessary.

SECTION 142. BUDGET STABILIZATION FUND TRANSFERS FOR THE DEPARTMENT OF JOB AND FAMILY SERVICES

Notwithstanding section 131.43 and division (D) of section 127.14 of the Revised Code, if the Director of Budget and Management, in consultation with the Director of Job and Family Services, determines that Medicaid expenditures for the biennium are likely to exceed the amounts appropriated in the Department of Job and Family Services appropriation item 600-525, Health Care/Medicaid, the Director of Budget and Management may, with Controlling Board approval, transfer up to \$150 million in cash from the Budget Stabilization Fund to the General Revenue Fund and increase the appropriation to appropriation item 600-525, Health Care/Medicaid, accordingly. In increasing the appropriation to appropriation item 600-525, Health Care/Medicaid, the Director of Budget and Management shall add to the amount transferred from the Budget Stabilization Fund appropriation amounts that are attributable to the federal match that is indicated by the state and federal division of appropriation item 600-525, Health Care/Medicaid, as represented in this act. Before any transfers are authorized, the Director of Budget and Management shall exhaust the possibilities for transfers of moneys within the Department of Job and Family Services to meet the identified shortfall.

SECTION 143. BUDGET STABILIZATION FUND TRANSFERS TO THE EMERGENCY PURPOSES FUND

Notwithstanding section 131.43 of the Revised Code and division (D) of section 127.14 of the Revised Code, the Director of Budget and Management may, with Controlling Board approval, transfer up to \$5 million, in each of fiscal years 2002 and 2003, from the Budget Stabilization Fund to the Emergency Purposes Fund of the Controlling Board, which is hereby created in the state treasury, and establish the necessary appropriation authority. The Controlling Board may, at the request of any state agency or the Director of Budget and Management, transfer all or part of the moneys in the fund for the purpose of providing disaster and emergency situation aid to state agencies and political subdivisions in the event of disasters and emergency situations.

SECTION 144. TRANSFERS TO THE GENERAL REVENUE FUND

Notwithstanding any other provision of law to the contrary, during fiscal years 2002 and 2003, the Director of Budget and Management is hereby authorized to transfer cash from non-federal, non-General Revenue Fund funds that are not constitutionally restricted to the General Revenue Fund. The total amount of cash transfers made pursuant to this section to the General Revenue Fund during fiscal years 2002 and 2003 shall not exceed \$31,794,657.

SECTION 145. That Section 5 of Am. Sub. S.B. 50 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. 5. Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st General Assembly shall take effect July 1, ~~2001~~ 2003."

SECTION 146. That existing Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 283 of the 123rd General Assembly, is hereby repealed.

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, 2001~~ October 16, 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, ~~2004~~ 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.

AGO ATTORNEY GENERAL		Appropriations
CAP-716	Lab and Training Facility Improvements	\$ <u>2,000,000</u>
		<u>5,200,000</u>
TOTAL	Attorney General	\$ <u>2,000,000</u>
		<u>5,200,000</u>
TOTAL	Law Enforcement Improvements Trust Fund	\$ <u>2,000,000</u>
		<u>5,200,000"</u>

SECTION 156. That existing Section 9 of Am. Sub. S.B. 192 of the 123rd General Assembly is hereby repealed.

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:

" 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.

(B) The Panel shall develop appropriate achievement benchmarks for each of the following:

- (1) The Tobacco Use Prevention and Cessation Trust Fund;
- (2) The Law Enforcement Improvements Trust Fund;
- (3) The Southern Ohio Agricultural and Community Development Trust

Fund;

- (4) Ohio's Public Health Priorities Trust Fund;
- (5) The Biomedical Research and Technology Transfer Trust Fund;
- (6) The Education Facilities Trust Fund;
- (7) The Education Technology Trust Fund.

(C) On or before ~~July 1~~ December 31, 2001, the Panel shall submit a report describing the achievement benchmarks developed under division (B) of this section to the Governor, the General Assembly, and the chairpersons and ranking minority members of the finance committees of the Senate and House of Representatives. Upon submitting the report, the panel shall cease to exist."

SECTION 158. That existing 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, is hereby repealed.

SECTION 159. That Section 4 of Am. S.B. 210 of the 123rd General Assembly be amended to read as follows:

" Sec. 4. (A) There is hereby created the Civil Service Review Commission. The Commission shall consist of the following members:

(1) Three members of the Senate appointed by the President of the Senate, with at least one member from the minority party;

(2) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, with at least one member from the minority party;

(3) Nine members appointed by the Governor, of whom one shall be the Director of Administrative Services or the Director's designee, one shall be from a union representing the largest number of state employees, one shall be from a union representing the largest number of local government employees, two shall be recommended by a statewide organization representing counties, two shall be recommended by a statewide organization representing municipal corporations, and two shall represent the public.

All appointments shall be made not later than one month after ~~the effective date of this section~~ September 22, 2000. The Commission shall be co-chaired by a member of the House of Representatives designated by the Speaker of the House of Representatives and a member of the Senate designated by the President of the Senate. The co-chairs shall alternate chairing meetings of the Commission by agreement of the co-chairs.

(B) The Commission shall review civil service laws and practice under those laws in Ohio. In conducting the review, the Commission shall conduct a comprehensive analysis of Ohio's civil service laws as set forth in the Revised Code and associated rules, including an analysis of how the laws and any associated rules are applied in practice by public entities across Ohio. Additionally, the Commission may review decisions of the Personnel Board of Review created in section 124.05 of the Revised Code or other administrative and judicial bodies to determine how decisions of the Board or those other bodies influence the interpretation or application of civil service laws. The Commission also may review practices and innovations of public entities in other states. The Commission may call witnesses and review any other information that it determines to be appropriate and may consider recommendations of the Governor's Management Improvement Commission.

(C) Upon completion of its review under division (B) of this section, but not later than ~~nine months after all of the appointments have been made under division (A) of this section~~ December 31, 2001, the Commission shall issue a report to the President of the Senate and the Speaker of the House of Representatives. The report shall identify current statutes, rules, practices, and procedures and shall make recommendations for changes to those statutes, rules, practices, and procedures that the Commission determines necessary to improve them. Upon issuance of the report under this division, the Commission ceases to exist."

SECTION 160. That existing Section 4 of Am. S.B. 210 of the 123rd General Assembly is hereby repealed.

SECTION 161. That Sections 9a and 28.43 of Sub. S.B. 245 of the 123rd General Assembly be amended to read as follows:

		Reappropriations
" Sec. 9a. DYS DEPARTMENT OF YOUTH SERVICES		
CAP-830	Muskingum County Juvenile Justice Center	\$ 600,000
Total Department of Youth Services		\$ 600,000
Total General Revenue Fund		\$ 13,263,923
		<u>13,163,923</u>

MUSKINGUM COUNTY JUVENILE JUSTICE CENTER

The amount reappropriated for the foregoing appropriation item CAP-830, Muskingum County Juvenile Justice Center, shall be \$600,000.

Sec. 28.43. SOC SOUTHERN STATE COMMUNITY COLLEGE

CAP-010	Basic Renovations	\$ 132,297
CAP-019	New North Campus Facility	\$ 249,553

CAP-022	Clinton County Facility	\$	405,381
Total	Southern State Community College	\$	787,231

CLINTON COUNTY FACILITY

The amount reappropriated for the foregoing appropriation item CAP-022, Clinton County Facility, shall be the sum of the unencumbered and unallotted balances as of June 30, 2000, in appropriation item CAP-022, plus \$70,142."

SECTION 162. That existing Sections 9a and 28.43 of Sub. S.B. 245 of the 123rd General Assembly is hereby repealed.

SECTION 163. That Sections 10 and 13 of Am. Sub. S.B. 287 of the 123rd General Assembly be amended to read as follows:

" Sec. 10. The excise tax imposed by section 5727.811 of the Revised Code shall ~~first~~ apply to every natural gas distributed distribution company for all natural gas volumes billed by, or on behalf of, the company on and after July 1, 2001. Before that date, a natural gas distribution company shall register with the Tax Commissioner in accordance with section 5727.93 of the Revised Code, as amended by ~~this act~~ Am. Sub. S.B. 287 of the 123rd General Assembly.

Sec. 13. (A) The amendment or enactment by ~~this act~~ Am. Sub. S.B. 287 of the 123rd General Assembly of sections 5733.053, 5733.06, ~~5733.40,~~ 5747.221, and 5747.24 of the Revised Code first applies to tax year 2002.

(B) The amendment by Am. Sub. S.B. 287 of the 123rd General Assembly of section 5733.40 of the Revised Code applies to taxable years beginning in 2001 or thereafter."

SECTION 164. That existing Sections 10 and 13 of Am. Sub. S.B. 287 of the 123rd General Assembly are hereby repealed.

SECTION 165. That Section 129 of Am. Sub. H.B. 283 of the 123rd General Assembly be amended to read as follows:

" Sec. 129. MORATORIUM FOR NEW MR/DD RESIDENTIAL FACILITY BEDS

(A) ~~During~~ Notwithstanding sections 5123.042 and 5123.19 of the Revised Code, during the period beginning July 1, ~~1999~~ 2001, and ending ~~June 30, 2001~~ October 15, 2003, the ~~Department~~ Director of Mental Retardation and Developmental Disabilities shall ~~not issue~~ refuse to approve

~~a proposal for the development approval for, nor of residential facility beds or to issue a license under section 5123.19 of the Revised Code, new residential facility if the approval or issuance will result in an increase in the number of residential facility beds for persons with mental retardation or developmental disabilities, except that the department may approve the development or licensure, or both, of such new beds in an emergency. The department shall adopt rules in accordance with Chapter 119. of the Revised Code specifying what constitutes an emergency for the purposes of this section above the statewide total number of residential facility beds on October 28, 1993. For purposes of identifying the number of beds that existed on that date, the Director shall include the number of nursing home beds that were being operated under section 5123.192 of the Revised Code as intermediate care facility for the mentally retarded beds certified by the Department of Health under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended. A modification, replacement, or relocation of existing beds in a residential facility licensed under section 5123.19 of the Revised Code shall not be considered an increase described in this division. The director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying what constitutes a modification, replacement, or relocation of existing beds.~~

~~(B) For the purposes of division (A) of this section, the following shall not be considered new beds:~~

~~(1) Beds relocated from one facility to another, if the facility from which the beds are relocated reduces the number of its beds by the same number of beds that are relocated to the other facility;~~

~~(2) Beds to replace others that the Director of Health determines no longer comply with the standards of the Medical Assistance Program established under Chapter 5111. of the Revised Code and Title XIX of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended."~~

SECTION 166. That existing Section 129 of Am. Sub. H.B. 283 of the 123rd General Assembly is hereby repealed.

SECTION 167. That Section 1 of Sub. H.B. 574 of the 123rd General Assembly be amended to read as follows:

" Sec. 1. (A) ~~Within thirty days after the effective date of this act~~ Not later than January 31, 2001, a joint legislative committee shall be appointed to study the impact of high technology start-up businesses on economic development and small businesses in this state and certain other matters.

e committee shall consist of seventeen members, two of whom shall serve as co-chairpersons, as follows:

(1) Three members from the House of Representatives, two of whom shall be appointed by the Speaker of the House of Representatives and one of whom shall be appointed by the Minority Leader of the House of Representatives. The Speaker of the House of Representatives shall designate one of the members appointed by the Speaker as a co-chairperson of the committee.

(2) Three members from the Senate, two of whom shall be appointed by the President of the Senate and one of whom shall be appointed by the Minority Leader of the Senate. The President of the Senate shall appoint one of the members appointed by the President as a co-chairperson of the committee.

(3) One former member of the House of Representatives appointed by the Speaker of the House of Representatives;

(4) One former member of the Senate appointed by the President of the Senate;

(5) One member, appointed by the Speaker of the House of Representatives, who shall represent the venture capital industry in the state;

(6) One member, appointed by the President of the Senate, who shall be an attorney and an expert in high-technology legal issues;

(7) Six members appointed by the Governor, three of whom shall represent a different private business association in the state, one of whom shall represent an Ohio labor organization, one of whom shall represent an Edison Center, as defined in division (A) of section 122.15 of the Revised Code, and one of whom shall be a member of the Governor's Small Business Advisory Council;

(8) The Director of Development or the Director's designee.

(B) The members of the committee shall serve without compensation, but shall be reimbursed for their actual and necessary travel and other expenses incurred in the performance of their official duties as committee members. Witnesses called to 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.

(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."

SECTION 168. That existing Section 1 of Sub. H.B. 574 of the 123rd General Assembly is hereby repealed.

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:

" Sec. 6.02. AFC ARTS AND SPORTS FACILITIES COMMISSION

CAP-047	Cincinnati Classical Music Hall of Fame	\$	300,000
CAP-053	Powers Auditorium Improvements	\$	500,000
CAP-059	Johnny Appleseed Museum Theatre	\$	200,000
CAP-818	Great Lakes League Baseball Stadium in Lake County	\$	350,000
CAP-819	Cooper Stadium Relocation Feasibility Study	\$	350,000
Total Arts And Sports Facilities Commission		\$	1,700,000

GREAT LAKES LEAGUE BASEBALL STADIUM IN LAKE COUNTY

Notwithstanding division (F) of section 3383.07 of the Revised Code, all or a portion of the foregoing appropriation item CAP-818, Great Lakes League Baseball Stadium in Lake County, may be expended for the cost of preparing a financial and development plan or feasibility study, and purchasing engineering and architectural services, designs, plans, specifications, surveys, and estimates of costs for that Great Lakes League Baseball Stadium in Lake County. Any amount expended for that purpose from the appropriation shall count toward the maximum fifteen percent of the construction cost of the sports facility to be paid from state funds.

COOPER STADIUM RELOCATION FEASIBILITY STUDY

Notwithstanding division (F) of section 3383.07 of the Revised Code, all or a portion of the foregoing appropriation item CAP-819, Cooper Stadium Relocation Feasibility Study, may be expended for the cost of preparing a financial and development plan or feasibility study, renovation, and purchasing engineering and architectural services, designs, plans, specifications, surveys, and estimates of costs for that Cooper Stadium. Any amount expended for that purpose from the appropriation shall count toward the maximum fifteen percent of the construction cost of the sports facility to be paid from state funds.

Sec. 9. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Waterways Safety Fund

(Fund 086), which are not otherwise appropriated.

			Appropriations
DNR DEPARTMENT OF NATURAL RESOURCES			
CAP-324	Cooperative Funding for Boating	\$	5,600,000
	Facilities		<u>6,600,000</u>
CAP-874	Recreational Harbor Evaluation Project	\$	1,000,000
CAP-934	Operations Facilities Development	\$	800,000
Total Department of Natural Resources			\$ <u>7,400,000</u>
			<u>8,400,000</u>
Total Waterways Safety Fund			\$ <u>7,400,000</u>
			<u>8,400,000</u>

**Sec. 21.01. ADA DEPARTMENT OF ALCOHOL AND DRUG
ADDICTION SERVICES**

CAP-002	Community Assistance Projects	\$	3,365,000
Total Department of Alcohol and Drug Addiction Services			\$ 3,365,000

COMMUNITY ASSISTANCE PROJECTS

Of the foregoing appropriation item CAP-002, Community 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

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 pay costs of capital facilities, as defined in section 154.01 of the Revised Code, for parks and recreation.

		Appropriations
DNR DEPARTMENT OF NATURAL RESOURCES		
CAP-012	Land Acquisition	\$ 3,150,000
CAP-113	East Harbor State Park Shoreline Stabilization	\$ 850,000
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$ 8,725,000
CAP-718	Grand Lake St. Mary's State Park	\$ 150,000
CAP-748	Local Parks Projects	\$ 4,409,000
CAP-787	Scioto Riverfront Improvements	\$ 9,175,000
CAP-789	Great Miami Riverfront Improvements	\$ 2,000,000
CAP-821	State Park Dredging and Shoreline Protection	\$ 300,000
CAP-836	State Park Renovations/Upgrading	\$ 50,000
CAP-876	Statewide Trails Program	\$ 3,175,000
CAP-910	Scioto Peninsula Property Acquisition	\$ 4,750,000
CAP-928	Statewide Accessibility Improvements	\$ 125,000
CAP-931	Statewide Wastewater/Water Systems Upgrade	\$ 2,000,000
Total Department of Natural Resources		\$ 38,859,000
Total Parks and Recreation Improvement Fund		\$ 38,859,000

FEDERAL REIMBURSEMENT

All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035).

LOCAL PARKS PROJECTS

Of the foregoing appropriation item CAP-748, Local Parks Projects, \$100,000 shall be used for the Darke County Park District; ~~\$750,000~~ \$500,000 shall be used for Erie Metro Parks Land Acquisition; \$40,000 shall be used for Grove City Fryer Park Improvements; \$60,000 shall be used for Ritter Park Improvements; \$125,000 shall be used for Highland Community Park Improvements; \$12,500 shall be used for Big Prairie/Lakeville Park Improvements; \$25,000 shall be used for Holmes County Park Improvements; \$25,000 shall be used for Stockport Riverfront Park Improvements; \$50,000 shall be used for Silver Park Improvements; \$50,000 shall be used for New Philadelphia City Park Improvements; \$100,000 shall be used for Dover Park Improvements; \$40,000 shall be used for Newcomerstown Park Improvements; \$60,000 shall be used for Sugarcreek Park Improvements; \$20,000 shall be used for Dodge Park

Improvements; \$20,000 shall be used for Grandview Park Improvements; \$6,500 shall be used for Crossroads Park Improvements; \$38,000 shall be used for Wauseon Park Land Acquisition; \$450,000 shall be used for Barberton Park Improvements; \$150,000 shall be used for Black Swamp ~~Land Acquisition~~ Improvements; \$50,000 shall be used for Felicity Park Improvements; \$50,000 shall be used for Cincinnati Whitewater Canal Tunnel Park; \$75,000 shall be used for the Walbridge Parks Improvements; \$50,000 shall be used for the Village of Richwood Parks; \$112,000 shall be used for the West Creek Preserve - City of Parma; \$100,000 shall be used by the West Creek Preservation Committee for a West Creek Watershed Project; and \$350,000 shall be used for Stark County Parks.

LOCAL PARKS PROJECTS - RIVERFRONT PLAZA

Of the foregoing appropriation item CAP-748, Local Parks Projects, \$1,000,000 shall be used for Riverfront Plaza in Cincinnati. The Director of Natural Resources shall study and determine whether it is feasible and suitable to include the Riverfront Plaza in the state park system.

STATEWIDE TRAILS PROGRAM

Of the foregoing appropriation item CAP-876, Statewide Trails Program, \$2,000,000 shall be used for the Ohio to Erie Bike Trail in Greene County, Madison County, and Clark County; \$125,000 shall be used for the Bike Path Extension in Delaware County; \$150,000 shall be used for the Village Green Hillside Bike/Hike Path in Butler County; \$150,000 shall be used for the Pleasant Run Creek Bike/Hike Path in Butler County; \$500,000 shall be used for the Delhi Nature Trail in Hamilton County; \$50,000 shall be used for the New Richmond Bike Path; and \$50,000 shall be used for the Lake to River Greenway Bike Path in Trumbull County.

SCIOTO RIVERFRONT IMPROVEMENTS

Of the foregoing appropriation item CAP-787, Scioto Riverfront Improvements, \$7,750,000 shall be used for Spring and Long Park and \$1,425,000 shall be used for Whittier peninsula property acquisition and demolition.

STATE PARK RENOVATIONS/UPGRADING

Of the foregoing appropriation item CAP-836, State Park Renovations/Upgrading, \$50,000 shall be used for the Kennedy Stone House Improvements in Salt Fork State Park."

SECTION 170. * That existing Sections 6.02, 9, 21.01, and 23 of Am. Sub. H.B. 640 of the 123rd General Assembly are hereby repealed.

SECTION 171. * That Sections 6.01 and 18 of Am. Sub. H.B. 640 of the 123rd General Assembly, as most recently amended by Am. Sub. S.B. 346 of the 123rd General Assembly, be amended to read as follows:

			Appropriations
" Sec. 6.01.	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		
CAP-785	Rural Areas Historical Projects	\$	4,838,500
			<u>5,338,500</u>
CAP-786	Rural Areas Community Improvements	\$	13,537,300
CAP-817	Urban Areas Community Improvements	\$	27,066,000
CAP-818	Community Theatre Renovations	\$	1,210,000
Total Department of Administrative Services		\$	46,651,800
			<u>47,151,800</u>

RURAL AREAS HISTORICAL PROJECTS

From the foregoing appropriation item CAP-785, Rural Areas Historical Projects, grants shall be made for the following projects:

<u>Euclid Beach Carousel</u>	\$	<u>500,000</u>
Camden Town Hall and Opera House	\$	75,000
Historic Hopewell Church	\$	10,000
Preble County Historical Society	\$	150,000
Allen County Museum Building Expansion	\$	600,000
Allen County Railroad Museum	\$	50,000
John P. Parker Historic Site Restoration	\$	200,000
Grant Memorial Building	\$	185,000
Steamship William G. Mather Maritime Museum	\$	25,000
Bedford Historical Society	\$	250,000
Fulton County Historical Society Museum Rehabilitation	\$	50,000
Lyons and Area Historical Society Train Depot Restoration	\$	40,000
Middlefield Historical Society	\$	45,000
Hancock Historical Society-New Agriculture/Transportation Building	\$	150,000
Henry County Historical Society Building Improvements	\$	50,000
Holmes County Historic Building Improvements	\$	25,000
Holmes County Historical Society Victorian House	\$	30,000
Harvey Wells House Restoration	\$	100,000
Western Reserve Railroad Association Train Station Improvements	\$	10,000
Great Lakes Historical Society Renovations	\$	200,000
Monroe County Park District Parry Museum	\$	20,000
Morgan County Historical Society Building Renovations	\$	25,000
General Sheridan Monument Restoration	\$	6,000
Haydenville Museum	\$	7,500
Overland Inn Historical Site	\$	50,000
Spring Hill Historic Home	\$	100,000

Stan Hywet Hall and Gardens	\$	1,000,000
Gnadenhutten Historical Society	\$	15,000
Van Wert Historical Society Red Barn Project	\$	40,000
Marietta Lockmaster's House Renovation	\$	50,000
New Matamorus Historical Society Renovations	\$	25,000
Wayne County Historical Society	\$	150,000
Wood County Historic Courthouse	\$	1,000,000
Mt. Pleasant Historical Society	\$	10,000
Dennison Railroad Depot Museum	\$	95,000

RURAL AREAS COMMUNITY IMPROVEMENTS

From the foregoing appropriation item CAP-786, Rural Areas

Community Improvements, grants shall be made for the following projects:

Southern Ohio Health Network Facility	\$	100,000
Allen County Reservoir Feasibility Study	\$	250,000
Belmont County Office Space	\$	30,000
Meigs County Industrial Park	\$	100,000
Lawrence County Industrial Park	\$	100,000
Gallia County Industrial Park	\$	100,000
Community Building - Belmont County	\$	2,000,000
Watt Center - Belmont County	\$	15,000
4-H Barn - Brown County	\$	50,000
People Working Cooperatively Facility Improvements	\$	75,000
Champaign YMCA	\$	200,000
Clermont County Courthouse	\$	50,000
Clermont County Visitor Information Center	\$	50,000
Clinton County Firing Range	\$	50,000
Coshocton Infrastructure Improvements	\$	150,000
Bethlehem Water Well	\$	2,700
West Lafayette Municipal Building Roof	\$	7,200
Tuscarawas Township Safety Improvements	\$	10,000
Village of Warsaw Improvements	\$	39,100
Coshocton Softball Field Lighting Improvements	\$	20,000
Defiance/Williams Flood Mitigation Project	\$	1,350,000
Bellepoint Bridge Reconstruction	\$	75,000
West After-School Center	\$	50,000
Gallia County Water Projects	\$	25,000
Fairmount Fine Arts Center	\$	40,000
Guernsey Infrastructure Improvements	\$	100,000
Tornado Warning Sirens - Guernsey County	\$	60,000
Old Kenton Armory Improvements	\$	100,000
Court House/City Hall Improvements - Highland County	\$	400,000
Holmes County Home Renovations	\$	25,000
Old Children's Home Renovations - Holmes County	\$	25,000
Fairport Community Center	\$	150,000
Mentor Fire and Police Headquarters Relocation	\$	100,000
Hanna House - Lake County	\$	25,000
Perry Township Industrial Park Land Acquisition	\$	65,000
Red Mill Creek Water Retention Basin	\$	20,000
Madison Village Community Building ADA Upgrades	\$	12,500
Mentor-on-the-Lake Erosion Control Project	\$	135,000
Athalia Community Facility	\$	20,000

Chesapeake Community Facility	\$	20,000
Proctorville Community Facility	\$	20,000
Lawrence County Water Projects	\$	25,000
Downtown Parking Garage and Walkway - Licking County	\$	500,000
Institute of Industrial Technology	\$	500,000
Outdoor Education Laboratory Construction - Marion County	\$	60,000
Medina County Engineered Fuel Project	\$	575,000
Chester Court House	\$	15,000
Meigs County Water Projects	\$	25,000
Fort Piqua Hotel	\$	400,000
Graysville Community Center	\$	50,000
Midway Community Center	\$	10,000
Chesterhill Water Tower Improvements	\$	50,000
Morgan Infrastructure Improvements	\$	100,000
Morgan County Economic Development	\$	125,000
Secrest Auditorium Improvements	\$	50,000
Diesel Powered Generators - Muskingum County	\$	6,000
Muskingum County Center for Seniors	\$	8,000
Maysville Community Improvements	\$	10,000
Muskingum County Court House Improvements	\$	65,000
Litter Prevention Complex - Muskingum County	\$	17,300
Noble County Infrastructure Improvements	\$	185,000
Lake Erie Islands Regional Welcome Center	\$	500,000
Corning Community Center	\$	10,000
Somerset Court House	\$	100,000
New Lexington Community Center	\$	125,000
Crooksville Family Recreation Center	\$	70,000
Perry County Agricultural Society	\$	75,000
Nelsonville Pool	\$	100,000
Cave Lake Center for Community Leadership	\$	350,000
Atwater Township Town Hall Improvements	\$	100,000
Brimfield Township Community Center	\$	75,000
Portage County Sheriff's Department Shooting Range	\$	200,000
WSTB Equipment Upgrade	\$	50,000
Richland Academy of Arts and Sciences Discovery Center	\$	100,000
Mansfield Area YMCA	\$	200,000
Mohican School in the Out-of-Doors Expansion	\$	325,000
Mansfield Reformatory Preservation Project	\$	100,000
Ross County Multi-Purpose Facility	\$	50,000
Bellevue Society for the Arts	\$	10,000
County Jail Improvements - Sandusky County	\$	300,000
Southern Ohio Port Authority	\$	50,000
Meadowbrook Park Ballroom Restoration	\$	100,000
Eastern Ohio Developmental Alliance Equipment Purchase	\$	10,000
Uhrichsville Municipal Building Improvements	\$	80,000
Project Pride Town Hall	\$	20,000
Marietta Nutrition Facility	\$	100,000
Liberty Township Community Center	\$	20,000
West Salem Town Hall	\$	150,000

City of Rittman Recreation Center	\$	125,000
Bryan Senior Center	\$	450,000
Jerry City Town Hall Improvements	\$	7,000
Bradner Historic Building	\$	45,000
Fairfield Township Community Recreation Facility	\$	150,000
Lighthouse Youth Center Improvements	\$	250,000
Chagrin Falls Park Community Center - Seniors' Room Construction	\$	10,000
City of Willowick - Senior Center Remodeling, Addition, and Completion	\$	100,000
Painesville Township Greenspace	\$	15,000
Clermont County Animal Shelter	\$	22,500

ROSS COUNTY MULTI-PURPOSE FACILITY

Of the foregoing appropriation item CAP-786, Rural Areas Community Improvements, the \$50,000 earmarked for the Ross County Multi-Purpose Facility is for a feasibility study for the facility. Yoctangee Park in Chillicothe, Ohio, is specifically excluded as a site from any feasibility study for a multi-purpose facility.

PORTAGE COUNTY SHERIFF'S DEPARTMENT SHOOTING RANGE

Of the foregoing appropriation item CAP-786, Rural Areas Community Improvements, the \$200,000 earmarked for the Portage County Sheriff's Department Shooting Range shall be distributed to the Portage County Sheriff's Department for utilization by that department for a training facility. Any structure so constructed with these funds shall be used by the Portage County Sheriff's Department as a training facility for ten years or moneys must be repaid to the state by Portage County. The Portage County Sheriff's Department may contract with other law enforcement agencies to use the training facility.

URBAN AREAS COMMUNITY IMPROVEMENTS

From the foregoing appropriation item CAP-817, Urban Areas Community Improvements, grants shall be made for the following projects:

Cross Links 2000 - Middletown Downtown Revitalization	\$	2,000,000
Solon Community Arts Center	\$	275,000
Cleveland Health Museum	\$	1,000,000
Cleveland Jewish Community Center	\$	350,000
Beck Center for the Arts	\$	500,000
Cleveland School for the Arts	\$	100,000
Hill House	\$	325,000
Bellfaire/Jewish Children's Bureau	\$	1,020,000
Karamu House Improvements	\$	600,000
Halloran Ice Skating Rink	\$	300,000
Cleveland Greenhouse Improvements	\$	255,000
Alliance for Poles of America Facility Improvements	\$	260,000
West Side Ecumenical Ministry	\$	375,000

Solon VFW Memorial	\$	7,000
Solon Senior Center	\$	300,000
Brecksville Senior Development Project	\$	10,000
Bentlyville Village Hall	\$	30,000
Sterns Farm	\$	70,000
Schaaf Community Center	\$	100,000
Olmstead Community Center	\$	100,000
Horizon Center	\$	200,000
North Royalton Recreation Center	\$	200,000
St. Vincent de Paul Recycle Project	\$	250,000
Cleveland Free Clinic	\$	370,000
Alta House	\$	35,000
Rickenbacker House Restoration and Park	\$	475,000
King Lincoln District Revitalization	\$	1,425,000
J. Ashburn Youth Center	\$	500,000
Columbus Downtown Initiatives Planning	\$	1,900,000
Leo Yassenoff Columbus Community Center	\$	400,000
Rickenbacker Air and Industrial Park	\$	6,000,000
Clintonville Improvements	\$	150,000
Grove City YMCA	\$	35,000
Victorian Village Society	\$	15,000
Beech Acres Family Center	\$	50,000
Health Education Center	\$	25,000
Convention Center Expansion Planning	\$	500,000
German Heritage Museum	\$	12,000
Lincoln Heights Health Center Improvements	\$	1,000,000
South End Revitalization Project	\$	100,000
Toledo International Youth Hostel Renovations	\$	50,000
Sylvania Recreation Center	\$	450,000
Sylvania Senior Center	\$	300,000
Canton Civic Center	\$	1,000,000
Canton Jewish Community Center Renovations	\$	20,000
Canton Jewish Women's Center Community Center: Health and <u>Wellness Capital Improvement Project</u>	\$	100,000
J.R. Coleman Center	\$	250,000
Gateway Social Services Building	\$	450,000
Massillon Domestic Violence Shelter for Battered Women	\$	100,000
Massillon Civic Center	\$	1,000,000
Football Hall of Fame	\$	150,000
Stark Central YMCA	\$	25,000
Stark County Convention and Visitors Bureau Tourist Center	\$	25,000
Akron Jewish Community Center Renovations	\$	85,000
Oriana House	\$	450,000
Cedar Grove Mausoleum Improvements	\$	30,000
Amphitheater, Riverwalk, and Kinsman House Improvements	\$	1,000,000
Fairlawn, Bath, Copley Community Center	\$	65,000
Loew Field Improvements	\$	50,000
Harvard Community Services Center Renovation and Expansion	\$	20,000
City of South Euclid-Construction of Complying Community Ground Sign	\$	5,000

Henn Mansion Renovation	\$	25,000
Collinwood Community Service Center Repair and Renovation	\$	20,000
Bowman Park - City of Toledo	\$	80,000
Godman Guild	\$	65,000

COMMUNITY THEATRE RENOVATIONS

From the foregoing appropriation item CAP-818, Community Theatre Renovations, grants shall be made for the following projects:

Hayesville Opera House	\$	50,000
Cleveland Public Theatre Improvements - Gordon Square	\$	160,000
Markay Theatre Renovations	\$	100,000
Stranahan Theatre	\$	100,000
Holland Theatre	\$	250,000
Lorain Palace Theatre Improvements	\$	200,000
Ohio Ballet	\$	250,000
Ritz Theatre Renovations	\$	100,000

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		
CAP-010	Sandusky State Theatre Improvements	\$ 200,000
CAP-013	Stambaugh Hall Improvements	\$ 500,000
CAP-033	Woodward Opera House Renovation	\$ 250,000
CAP-037	Canton Palace Theatre Renovations	\$ 750,000
CAP-044	National Underground Railroad Freedom Center	\$ 3,500,000
CAP-045	Cincinnati Contemporary Arts Center	\$ 2,000,000
CAP-046	Cincinnati Museum Center Improvements	\$ 200,000
CAP-048	John and Annie Glenn Museum	\$ 500,000
CAP-051	Akron Civic Theatre Improvements	\$ 1,000,000
CAP-052	Akron Art Museum	\$ 2,500,000
CAP-056	Ohio Agricultural and Industrial Heritage Center	\$ 2,500,000
CAP-063	Robins Theatre Renovations	\$ 1,000,000
CAP-734	Hayes Presidential Center-Museum and Home Improvements	\$ 750,000
CAP-735	Paul Lawrence Dunbar House	\$ 672,000
CAP-741	Adena State Memorial Renovations	\$ 3,888,000
CAP-742	Ft. Meigs Museum and Exhibit Improvements	\$ 1,805,000
CAP-780	Harding Tomb and Site Renovations	\$ 138,000
CAP-781	Archives and Library Automation	\$ 300,000
CAP-784	Ohio Historical Center Rehabilitation	\$ 500,000
CAP-786	Piqua/Fort Pickawillany Acquisition and Improvements	\$ 435,000
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$ 200,000
CAP-790	Reese-Peters Site Improvements	\$ 250,000
CAP-798	Multi-Site Fire and Security System Improvements	\$ 100,000
CAP-801	Statewide Underground Storage Tank Removal	\$ 107,000
CAP-802	Zane Grey Museum Improvements	\$ 280,000
CAP-803	Digitization of OHS Collection	\$ 750,000

CAP-806	Grant Boyhood Home Improvements	\$	200,000
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000
CAP-811	National First Ladies Library	\$	500,000
CAP-812	Dayton Performing Arts Center	\$	9,500,000
CAP-814	Crawford Museum of Transportation and Industry	\$	3,000,000
			<u>2,500,000</u>
Total Arts Facilities Commission		\$	38,725,000
			<u>38,225,000</u>
Total Arts Facilities Building Fund		\$	38,725,000
			<u>38,225,000"</u>

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
	Total School Facilities Commission	\$	300,000,000
	Total School Building Program Assistance Fund	\$	300,000,000

SCHOOL BUILDING PROGRAM ASSISTANCE

The foregoing appropriation item CAP-770, School Building Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.

Expenditures from appropriations contained in this section may be accounted for as though made in the main capital 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, original obligations in an aggregate principal amount not to exceed \$300,000,000 to pay the costs associated with previously authorized capital facilities and the capital facilities authorized in the immediately preceding section of this act for the School Building Assistance Program for the School Facilities Commission to distribute in accordance with their rules and guidelines pursuant to Chapter 3318. of the Revised Code.

SECTION 181. As used in this section, "House Sergeant at Arms" and

"Assistant House Sergeant at Arms" have the same meanings as in section 145.01 of the Revised Code, as amended by this act.

Not later than ninety days after the effective date of this section, the House Sergeant at Arms and each Assistant House Sergeant at Arms who is a member of the Public Employees Retirement System shall indicate to the system, on a form supplied by the retirement system, a choice of whether to receive benefits under division (A) of section 145.33 of the Revised Code or division (B) of that section.

SECTION 182. The Office of Criminal Justice Services and the Department of Job and Family Services shall enter into an interagency agreement for the transfer to the Office of the Department's duties, records, assets, and liabilities related to the administration of funds received under the "Family Violence Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as amended.

SECTION 183. WOMEN'S POLICY AND RESEARCH COMMISSION
FUND TRANSFERS

Notwithstanding any other provision of law to the contrary, the Director of Budget and Management shall transfer any remaining amounts of cash from the specified obsolete fund to the General Revenue Fund (Fund GRF) within thirty days after the effective date of this section: Women's Policy and Research Commission, Fund 4V9, Women's Policy and Research Commission Fund.

SECTION 184. OHIO FAMILY AND CHILDREN FIRST CABINET
COUNCIL.

The Ohio Family and Children First Cabinet Council shall conduct an assessment of the need for and resources available for services and programs that serve children under six years of age. The assessment shall include identifying supports available to those services and programs and gaps in services across Ohio, as well as a review of existing state laws and administrative procedures related to those services and programs. Based on its assessment, the Cabinet Council shall develop, in consultation with early childhood, business, and community organizations, a strategic plan that does both of the following:

(1) Identifies goals for developing an integrated system of early care and education for families with children under six years of age.

(2) Recommends specific steps that must be taken to accomplish those goals, including establishing linkages between schools and early childhood programs to ensure successful transitions for children and their families. The recommendations included in the strategic plan shall maximize opportunities for existing programs and services to blend funding sources and work together.

The Cabinet Council shall provide copies of the strategic plan to the Governor, Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate not later than June 30, 2002.

SECTION 185. On the effective date of this section, the Mine Examining Board is abolished and all of its functions and assets, liabilities, equipment, and records, irrespective of form or medium, are transferred to the Chief of the Division of Mineral Resources Management in the Department of Natural Resources and the Reclamation Commission, as provided in Section 1 of this act. The Chief and the Reclamation Commission, as appropriate, are thereupon and thereafter successor to, assume the obligations of, and otherwise constitute the continuation of the Mine Examining Board.

Any business commenced, but not completed by, the Mine Examining Board on the effective date of this section shall be completed by the Chief or the Reclamation Commission, as appropriate. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section, but shall be administered by the Chief or the Reclamation Commission, as appropriate. All of the Mine Examining Board's rules, orders, and determinations continue in effect as rules, orders, and determinations of the Chief and the Reclamation Commission, as appropriate, until modified or rescinded by the Chief or the Reclamation Commission, as appropriate.

Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all the employees of the Mine Examining Board are transferred to the Division of Mineral Resources Management and the Reclamation Commission, as appropriate.

Whenever the Mine Examining Board is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Chief of the Division of Mineral Resources Management or the Reclamation Commission, as appropriate.

No action or proceeding pending on the effective date of this section is affected by the transfer, and shall be prosecuted or defended in the name of the 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 the relocation or replacement of the school facilities. If the federal government or other public or private entity provides funds for restitution of costs incurred by the state or school district in the relocation or replacement of the school facilities, the school district shall use such funds in excess of the school district's share to refund the state for the state's contribution to the environmental contamination portion of the project. The school district may apply an amount of such restitution funds up to an amount equal to the school district's portion of the project, as defined by the commission, toward paying its portion of that project to reduce the amount of bonds the school district otherwise must issue to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code.

SECTION 187. (A) The Ohio School Facilities Commission may commit

up to thirty-five million dollars to the Canton City School District for construction of a facility described in this section, in lieu of a high school that would otherwise be authorized under Chapter 3318. of the Revised Code. The commission shall not commit funds under this section unless all of the following conditions are met:

(1) The district has entered into a cooperative agreement with a state-assisted technical college.

(2) The district has received an irrevocable commitment of additional funding from nonpublic sources.

(3) The facility is intended to serve both secondary and postsecondary instructional purposes.

(B) The commission shall enter into an agreement with the district for the construction of the facility authorized under this section that is separate from and in addition to the agreement required for the district's participation in the Classroom Facilities Assistance Program under section 3318.08 of the Revised Code. Notwithstanding that section and sections 3318.03, 3318.04, and 3318.083 of the Revised Code, the additional agreement shall provide, but not be limited to, the following:

(1) The commission shall not have any oversight responsibilities over the construction of the facility.

(2) The facility need not comply with the specifications for plans and materials for high schools adopted by the commission.

(3) The commission may decrease the basic project cost that would otherwise be calculated for a high school under Chapter 3318. of the Revised Code.

(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section.

All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section.

The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised Code. All additional state funds committed to the Canton City School District for classroom facilities assistance shall be subject to all provisions of Chapter 3318. of the Revised Code.

SECTION 188. Not later than July 1, 2001, the Tax Commissioner shall certify to the Department of Education for each city, local, and exempted village school district the total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the

district, for each of the three most recent years for which this information is available. The Department shall use the information certified under this section to compute each district's state parity aid funding under section 3317.0217 of the Revised Code in fiscal year 2002.

SECTION 189. Not later than March 1, 2003, the Department of Job and Family Services shall certify to the State Board of Education, for the month of October in 1998, 1999, 2000, 2001, and 2002, the unduplicated number of children ages five through seventeen residing in each school district and living in a family that had family income not exceeding the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, and that participated in one of the following:

- (A) Ohio Works First;
- (B) The food stamp program;
- (C) The medical assistance program, including the Healthy Start program, established under Chapter 5111. of the Revised Code;
- (D) The Children's Health Insurance Program Part I established under section 5101.50 of the Revised Code or, prior to fiscal year 2000, an executive order issued under section 107.17 of the Revised Code;
- (E) The disability assistance program established under Chapter 5115. of the Revised Code.

The Department of Job and Family Services shall report this information according to the school district of residence for each child in the same manner as required by section 3317.10 of the Revised Code. It is the intent of the General Assembly that in making this report, the Department of Job and Family Services will utilize the same, or substantially similar, computer programming as it developed to assist the Legislative Office of Education Oversight in developing the report "A New Poverty Indicator to Distribute Disadvantaged Pupil Impact Aid (DPIA)."

The Department of Education shall use the information reported under this section to calculate five-year averages in 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 House of Representatives appointed by the Speaker of the House, two of whom shall be members of the majority party and one of whom shall be a member of the minority party. The Committee shall perform a comprehensive review of the allocation formula for the State Share of Instruction appropriation item as well as all of the "Challenge" appropriation items contained in the Board of Regents' budget and shall issue a report containing its recommendations to the General Assembly not later than December 31, 2001. Upon issuance of its report, the Committee shall cease to exist.

SECTION 193. The Arts Facilities Building Fund and Sports Facilities Building Fund created by section 3383.09 of the Revised Code are the same as the Arts Facilities Building Fund and the Sports Facilities Building Fund from which appropriations are made in Am. Sub. H.B. 640 of the 123rd General Assembly.

SECTION 194. An owner or operator of a facility that is regulated under Chapter 1509. of the Revised Code who submits the filing fees that the owner or operator is required to submit under section 3750.13 of the

d Code, as amended by this act, by the first day of March of the year following the effective date of this section shall be deemed to have satisfied all filing, listing, and notification requirements and all late fees, penalties, and interest and to have satisfied all other monetary obligations that were imposed on that person under Chapter 3750. of the Revised Code prior to that date. As used in this section, "facility" has the same meaning as in section 3750.01 of the Revised Code.

SECTION 195. Section 3704.034 of the Revised Code, as amended by this act, and sections 3745.10 and 3745.15 of the Revised Code, as enacted by this act, apply only to applications for permits, including modifications and renewals, and for plan approvals that are submitted to the Director of Environmental Protection on and after the effective date of this section.

SECTION 196. (A) Notwithstanding section 4717.07 of the Revised Code as amended by this act, the Board of Embalmers and Funeral Directors shall charge and collect the following fees for the renewal of licenses that expire on December 31, 2001:

- (1) Sixty dollars for renewal of an embalmer's or funeral director's license;
- (2) One hundred twenty-five dollars for renewal of a license to operate a funeral home;
- (3) One hundred dollars for renewal of a license to operate an embalming facility;
- (4) One hundred dollars for renewal of a license to operate a crematory facility.

(B) Notwithstanding section 4717.08 of the Revised Code as amended by this act, every license issued under Chapter 4717. of the Revised Code expires on December 31, 2001, and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code.

SECTION 197. Unless five licensed embalmers and practicing funeral directors are serving on the Board of Embalmers and Funeral Directors on the effective date of this section, the first person appointed to fill a vacancy occurring on the Board on or after that date under section 4717.02 of the Revised Code, as amended by this act, shall be a licensed embalmer and practicing funeral director with at least ten consecutive years of experience

in this state immediately preceding the date of the person's appointment.

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;
- (2) Conspicuously indicating the month, day, and years on which the licensee becomes eighteen and twenty-one years of age.

(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.

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:

(1) "Amnesty" means forgiving a taxpayer's liability for penalties and one-half of the interest that accrue on account of the late payment, nonpayment, underreporting, or unreporting of qualifying delinquent taxes.

(2) "Qualifying delinquent taxes" means taxes imposed under division (B) of section 5709.01, section 5727.24, 5727.30, 5733.06, 5733.41, 5739.02 (except division (C) of section 5739.02), 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, 5741.023, 5747.02, or 5747.41, or sections 5747.06 and 5747.07 of the Revised Code, that, on May 1, 2001,

were due and payable from a taxpayer or employer, that were unreported or underreported, and that remain unpaid. "Qualifying delinquent taxes" does not include taxes for which a notice of assessment or audit has been issued, a bill has been issued, or an audit is currently being or has been conducted.

(3) "Taxpayer" means any individual or other person, as defined in section 5701.01 or 5711.01 of the Revised Code, that is subject to taxes imposed under division (B) of section 5709.01, section 5727.24, 5727.30, 5733.06, 5733.41, 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, 5741.023, 5747.02, or 5747.41 of the Revised Code, including any vendor subject to sections 5739.03 and 5739.12 of the Revised Code, any seller subject to section 5741.04 or 5741.12 of the Revised Code, any employer subject to section 5747.06 or 5747.07 of the Revised Code, and any qualifying entity as defined in section 5733.40 of the Revised Code.

(B)(1) Beginning on October 15, 2001, and ending on January 15, 2002, if a taxpayer that owes qualifying delinquent taxes pays the full amount of qualifying delinquent taxes and one-half of any interest to the Treasurer of State, in the form and manner prescribed by the Tax Commissioner, the Tax Commissioner shall grant amnesty for any penalties and one-half of the interest that otherwise are imposed as a result of delinquency in the payment of those taxes.

(2) Beginning October 15, 2001, and ending January 15, 2002, if a taxpayer that owes qualifying delinquent taxes imposed pursuant to division (B) of section 5709.01 of the Revised Code files a return with the Tax Commissioner, in the form and manner prescribed by the Tax Commissioner, listing all property not previously listed for taxation, the Tax Commissioner shall issue a preliminary assessment certificate to the proper county auditor and grant amnesty for any penalties that otherwise may be imposed on the qualifying delinquent taxes. Upon receiving such a preliminary assessment certificate, the county auditor shall compute the amount of taxes due plus one-half of the interest prescribed by sections 5711.32 and 5719.041 of the Revised Code. The county treasurer shall collect from the taxpayer the tax and interest so computed as otherwise prescribed by section 5711.33 of the Revised Code. No payment otherwise prescribed by division (G) of section 321.24 of the Revised Code shall be made on account of such a taxpayer. Notwithstanding any section of the Revised Code to the contrary, the Tax Commissioner shall not furnish to any county auditor information pertaining to the exemption from taxation provided under division (C)(3) of section 5709.01 of the Revised Code insofar as that information relates to a such a taxpayer.

(3) The Tax Commissioner shall prescribe forms on which taxpayers may apply for amnesty. The Tax Commissioner may require taxpayers applying for amnesty to file returns or reports, including amended returns and reports, that otherwise would be required.

(C) If a taxpayer pays qualifying delinquent taxes as prescribed in division (B) of this section, no criminal prosecution or civil action shall be brought thereafter against the taxpayer and no assessment shall be issued thereafter against the taxpayer on account of the qualifying delinquent taxes paid.

(D) Qualifying delinquent taxes and interest collected under this section shall be credited to the General Revenue Fund, except for qualifying delinquent taxes imposed pursuant to division (B) of section 5709.01 of the Revised Code, which the county auditor shall credit to the proper taxing district, and except for those imposed pursuant to sections 5739.021, 5739.023, and 5739.026 of the Revised Code, which shall be distributed as required under division (B) of section 5739.21 of the Revised Code, and those imposed pursuant to sections 5741.021, 5741.022, and 5741.023, of the Revised Code which shall be distributed as required under division (B) of section 5741.03 of the Revised Code.

(E) This section is hereby repealed, effective January 16, 2002.

SECTION 202. APPROPRIATION REDUCTIONS

(A) The General Revenue Fund appropriations included in this act are hereby reduced by one and one-half per cent for each fiscal year of the 2002-2003 biennium, with the following exceptions:

(1) Appropriations made for the following purposes are exempt from the reductions made in this section: property tax reduction appropriations; debt service, including lease rental contracts; and pension payments made by the Treasurer of State.

(2) Appropriations made to the following agencies are exempt from the reductions made in this section: the Department of Education, the School Facilities Commission, the SchoolNet Commission, the Ohio School for the Blind, the Ohio School for the Deaf, the Board of Regents, the Department of Mental Health, the Department of Mental Retardation and Developmental Disabilities, the Rehabilitation Services Commission, the Ohio Veterans' Home, all veterans' organizations, the Department of Rehabilitation and Correction, and the Public Works Commission.

(3) Appropriations made to the following appropriation items are exempt from the reductions made in this section: 350-401, Ohioana Rental Payments; 600-410, TANF State; 600-416, Computer Projects; 600-413,

y Care Match/Maintenance of Effort; 600-420, Child Support Administration; 600-426, Children's Health Insurance Program; 600-502, Child Support Match; 600-511, Disability Assistance/Other Assistance; 600-525, Health Care/Medicaid; 600-528, Adoption Services; 490-403, PASSPORT; 745-404, Air National Guard; 745-499, Army National Guard; 055-321, Operating Expenses; 042-409, Commission Closures; 775-453, Waterfront Line Lease Payments-State; 777-473, Rickenbacker Lease Payments-State; 700-402, Amusement Ride Safety; 700-499, Meat Inspection Program-State Share; 911-411, Development Contingency Fund; 035-409, National Associations; 042-410, National Association Dues; and 040-403, National Governors Conference.

(B) For all agencies that receive a reduction in appropriations, the agency director may, after receiving approval from the Office of Budget and Management and from the Controlling Board, allocate the reduction among the agency's appropriation items, except that the director may not reduce appropriation items specifically exempted in division (A)(1) or (3) of this section. When an agency director reduces appropriations in an appropriation item containing an earmark, the earmark may be reduced by any percentage up to the percentage by which the appropriation item itself is reduced.

SECTION 203. MOTOR FUEL TAX TASK FORCE

(A) There is hereby created the Motor Fuel Tax Task Force. The Task Force shall study the adequacy and distribution of the motor fuel tax. The Task Force shall issue a report of its findings to the General Assembly and the Governor on December 2, 2002. Upon issuing its report, the Task Force shall cease to exist.

(B) The Task Force shall consist of the following members:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, not more than two of whom shall be from the same political party as the Speaker;

(2) Three members of the Senate appointed by the President of the Senate, not more than two of whom shall be from the same political party as the President;

(3) The Director of Public Safety or the Director's designee;

(4) The Director of Transportation or the Director's designee;

(5) The Tax Commissioner or the Commissioner's designee;

(6) The Director of Budget and Management or the Director's designee;

(7) One person appointed by the Speaker of the House of Representatives to represent the general public;

(8) One person appointed by the President of the Senate to represent the

general public;

(9) Eight members appointed jointly by the Speaker of the House of Representatives and the President of the Senate, one from each of eight lists of three individuals recommended by the County Commissioners Association of Ohio, the Ohio Municipal League, the Ohio Township Association, the County Engineers Association of Ohio, the Ohio Public Expenditure Council, the State Highway Patrol troopers' collective bargaining unit, the Ohio Contractors Association, and the Ohio Petroleum Council, respectively.

A vacancy on the Task Force shall be filled in the manner provided for the original appointment.

(C) The Speaker of the House of Representatives and the President of the Senate each shall appoint a co-chairperson of the Task Force from among the appointees who are members of their respective chambers. The co-chairpersons shall call the first meeting of the Task Force within thirty days after the last member is appointed.

(D) The Legislative Service Commission shall provide staff services for the Task Force.

SECTION 204. Except as otherwise specifically provided in this act, the codified sections of law amended or enacted in this act, and the items of law of which the codified sections of law amended or enacted in this act are composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the codified sections of law amended or enacted by this act, and the items of law of which the codified sections of law as amended or enacted by this act are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such codified section of law as amended or enacted by this act, or against any item of law of which any such codified section of law as amended or enacted by this act is composed, the codified section of law as amended or enacted, or item of law, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 205. Except as otherwise specifically provided in this act, the repeal by this act of a codified section of law is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the repeal by this act of a codified section of law 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 any such repeal, the repeal, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 206. Sections 105.41, 107.10, 111.16, 111.18, 111.23, 111.25, 121.40, 122.011, 133.06, 147.01, 147.02, 147.03, 147.05, 147.06, 147.13, 147.14, 147.37, 147.371, 166.03, 181.52, 901.43, 901.63, 901.81, 901.82, 917.07, 917.99, 1309.40, 1309.401, 1309.402, 1309.42, 1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 1329.421, 1329.45, 1329.56, 1329.58, 1329.60, 1329.601, 1501.40, 1502.12, 1701.05, 1701.07, 1701.81, 1702.05, 1702.06, 1702.43, 1702.59, 1703.04, 1703.041, 1703.15, 1703.17, 1703.27, 1705.05, 1705.06, 1705.38, 1705.55, 1746.04, 1746.06, 1746.15, 1747.03, 1747.04, 1747.10, 1775.63, 1775.64, 1782.04, 1782.08, 1782.09, 1782.433, 1785.06, 3301.70, 3302.041, 3313.603, 3314.09, 3314.091, 3318.042, 3318.52, 3333.043, 3333.21, 3333.22, 3702.68, 3721.51, 3721.56, 3734.28, 3734.57, 3745.014, 3745.11, 3745.22, 3769.08, 3769.20, 3773.56, 3923.28, 3923.30, 4115.10, 4301.43, 4503.034, 4503.10, 4503.102, 4503.12, 4503.182, 4505.061, 4506.08, 4507.24, 4507.50, 4507.52, 4511.81, 4519.03, 4519.10, 4519.56, 4519.69, 4734.20, 4761.05, 4771.22, 4779.01, 4779.02, 4779.16, 4779.19, 4779.20, 4779.26, 4905.87, 5101.071 (5101.251), 5101.521, 5101.821, 5101.85, 5101.853 (5101.851), 5101.852, 5101.854 (5101.853), 5103.07, 5111.041, 5111.042, 5111.081, 5111.171, 5111.22, 5111.231, 5111.25, 5111.251, 5111.262, 5111.28, 5111.29, 5111.34, 5111.87 (5111.871), 5111.872, 5111.873, 5123.01, 5123.041, 5123.043, 5123.044, 5123.045, 5123.046, 5123.047, 5123.048, 5123.049, 5123.0410, 5123.0411, 5123.0412, 5123.0413, 5123.082, 5123.71, 5123.76, 5126.01, 5126.035, 5126.036, 5126.041, 5126.042, 5126.046, 5126.05, 5126.051, 5126.053, 5126.054, 5126.055, 5126.056, 5126.06, 5126.071, 5126.08, 5126.11, 5126.12, 5126.15, 5126.16, 5126.18, 5126.19, 5126.20, 5126.22, 5126.221, 5126.25, 5126.31, 5126.311, 5126.313, 5126.32, 5126.357, 5126.431, 5139.11, 5703.49, 5705.091, 5705.19, 5705.41, 5705.44, 5725.31, 5727.81, 5727.811, 5727.82, 5727.84, 5727.85, 5729.07, 5733.122, 5733.351, 5733.42, 5747.39, and 6109.21 of the Revised Code as amended or enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such sections as amended or enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, go into immediate effect when this act becomes law.

SECTION 207. Sections 3314.08, 3317.012, 3317.013, 3317.014, 3317.02, 3317.021, 3317.022, 3317.024, 3317.029, 3317.0210, 3317.0212, 3317.0213, 3317.0216, 3317.0217, 3317.03, 3317.05, 3317.051, 3317.06, 3317.064, 3317.161 (3317.052), 3317.162 (3317.053), 3317.11, 3317.13, 3317.16, 3317.19, 3317.20, 3323.09, and 3323.091 of the Revised Code, as amended or enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the sections as amended or enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, are entitled to go into immediate effect when this act becomes law. However, the sections as amended or enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, take effect on July 1, 2001, or the day this act becomes law, whichever is later.

SECTION 208. * The amendments to section 3313.41 of the Revised Code enacted by this act shall be effective sixty days after the effective date of this section.

SECTION 209. (A) The amendment by this act removing language from division (B)(1)(e) of section 125.22 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 inserting division (A)(20) into section 125.22 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 210. (A) The amendment by this act removing language from division (B)(2) of section 3318.04 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 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 (I) of section 5119.01 of the Revised Code constitutes an item of law that is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the item goes into immediate effect when this act becomes law.

SECTION 213. Sections 1517.05, 1517.06, and 1517.07 of the Revised

Code, as amended both now and in the future by this act, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, sections 1517.05, 1517.06, and 1517.07 of the Revised Code as amended now by Section 1 of this act, go into immediate effect when this act becomes law, and sections 1517.05, 1517.06, and 1517.07 of the Revised Code, as amended in the future by this act, go into effect on the future date specified in this act.

SECTION 214. The repeal by this act of section 3317.0215 of the Revised Code is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the repeal goes into immediate effect when this act becomes law.

SECTION 215. The repeals of sections 166.032, 1329.68, 5101.143, 5101.52, 5101.851, 5101.852, 5111.341, 5111.88, and 5126.054 of the Revised Code constitute items of law that are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the repeals go into immediate effect when this act becomes law.

SECTION 216. Section 5104.32 of the Revised Code, as amended by this act, shall take effect January 1, 2002.

SECTION 217. * Section 5104.341 of the Revised Code, as amended by this act, shall take effect January 1, 2002.

SECTION 218. Sections 5739.032, 5739.07, 5739.102, 5739.12, 5739.121, 5739.13, 5741.10, and 5741.12 of the Revised Code, as amended by this act, shall take effect January 1, 2002. Sections 5733.02, 5733.021, 5733.12, and 5733.18 of the Revised Code, as amended by this act, shall take effect July 1, 2002. Sections 3734.904, 4301.422, 4303.33, 4303.331, 5727.25, 5727.26, 5728.08, 5735.06, 5735.061, 5743.62, 5743.63, 5745.03, 5745.04, and 5749.06 of the Revised Code, as amended by this act, shall take effect January 1, 2003.

SECTION 219. The amendment by this act of sections 126.21, 131.01,

83.09, and 183.17 of the Revised Code applies to fiscal years beginning with fiscal year 2003.

SECTION 220. The enactment of section 1309.525 of the Revised Code by this act is contingent upon and takes effect only if S.B. 74 of the 124th General Assembly becomes law and section 1309.40 of the Revised Code is repealed by that latter act.

SECTION 221. Section 3317.10 of the Revised Code, as amended by this act, shall take effect January 1, 2003.

SECTION 222. (A) Sections 1345.21, 4707.01, 4707.011, 4707.02, 4707.03, 4707.04, 4707.05, 4707.06, 4707.07, 4707.071, 4707.072, 4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4707.12, 4707.13, 4707.15, 4707.152, 4707.16, 4707.19, 4707.20, 4707.21, 4707.23, and 4707.99 of the Revised Code, as amended by this act, shall take effect on October 1, 2001, or the earliest date thereafter permitted by law.

(B)(1) On the effective date under division (A) of this section of the sections as amended, the licensing functions of the Department of Commerce under Chapter 4707. of the Revised Code are transferred to the Department of Agriculture. The Department of Agriculture thereupon and thereafter assumes these functions.

Any business commenced but not completed by the Department of Commerce on that effective date shall be completed by the Director or Department of Agriculture in the same manner, and with the same effect, as if completed by the Director or Department of Commerce. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer of functions required by this section and shall be administered by the Director or Department of Agriculture. All of the Department of Commerce's rules, orders, and determinations continue in effect as rules, orders, and determinations of the Department of Agriculture until modified or rescinded by the Department of Agriculture. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the Department of Commerce's relevant rules as appropriate to reflect their transfer to the Department of Agriculture.

No employees of the Department of Commerce are transferred to the Department of Agriculture. The Director of Agriculture may create up to

three additional full-time positions for the administration of the licensing functions of Chapter 4707. of the Revised Code assumed by the Director and Department payable out of the unexpended balances transferred to the Department of Agriculture.

(2) Whenever the Director or Department of Commerce is referred to in any law, contract, or other document relating to the transferred functions, the reference shall be deemed to refer to the Director or Department of Agriculture, whichever is appropriate.

No action or proceeding pending on the effective date of this section is affected by the transfer, and shall be prosecuted or defended in the name of the Director or Department of Agriculture. In all such actions, the Director or Department of Agriculture upon application to the court shall be substituted as a party.

SECTION 223. (A) There is hereby transferred to the Governor's Advisory Council on Physical Fitness, Wellness, and Sports, all books, records, documents, files, transcripts, and other materials that are in the possession of the Physical Fitness and Sports Advisory Board, as they existed immediately prior to the effective date of sections 3701.77, 3701.771, and 3701.772 of the Revised Code, as amended by this act.

(B) All moneys appropriated or reappropriated to the Board for the performance of the duties, powers, obligations, and functions, and the exercise of the rights, that are transferred by this act to the Council, to the extent of the remaining unexpended or unencumbered balance of the appropriations or reappropriations, whether obligated or unobligated, are hereby transferred to the Council for performing the duties, powers, obligations, and functions, and exercising the rights of the Council. Payments for liabilities for expenses incurred before or after the effective date of sections 3701.77, 3701.771, and 3701.772 of the Revised Code, as amended by this act, shall be made on separate vouchers or certificates approved by the Council.

(C) All rules, acts, determinations, approvals, and decisions of the Board pertaining to the duties, powers, obligations, and functions that are transferred and assigned by this act to the Council and that are in effect at the time of the transfer shall continue in force as rules, acts, determinations, approvals, and decisions of the Board until they are duly modified, superseded, or repealed by the Council, as appropriate. Whenever the duties, powers, obligations, and functions of the Board that are transferred by this act to the Council are referred to or designated in any law, contract, or other document pertaining to those duties, powers, obligations, or functions,

including the reference to the Board within section 27 of Sub. H.B. 670 of the 121st General Assembly as subsequently amended, the reference or designation shall be considered, as appropriate, to be a reference or designation to the Council and to the duties, powers, obligations, and functions as transferred to it.

No existing right or remedy of any character shall be lost, impaired, or affected by reason of the transfer, except as insofar as that remedy or right shall be administered, as appropriate, by the Council instead of the Board.

SECTION 224. Except as otherwise specifically provided in this act, the uncodified sections of law amended or enacted in this act, and the items of law of which the uncodified sections of law amended or enacted in this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the uncodified sections of law amended or enacted in this act, and the items of law of which the uncodified sections of law amended or enacted in this act are composed, go into immediate effect when this act becomes law.

SECTION 225. Uncodified sections of law amended or enacted in this act, and items of law contained within the uncodified sections of law amended or enacted in this act, that are marked with an asterisk are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the uncodified sections and items of law marked with an asterisk take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against an uncodified section or item of law marked with an asterisk, the uncodified section or item of law marked with an asterisk, unless rejected at the referendum, takes effect at the earliest time permitted by law.

If the amending and existing repeal clauses commanding the amendment of an uncodified section of law are both marked with asterisks, the uncodified section as amended is deemed also to have been marked with an asterisk.

An asterisk marking an uncodified section or item of law has the form *.

This section defines the meaning and form of, but is not itself to be considered marked with, an asterisk.

SECTION 226. The amendment to Section 10 of Am. Sub. S.B. 287 of the 123rd General Assembly 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.

SECTION 227. The amendments by this act to Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, to Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, to Section 3 of Am. Sub. H.B. 440 of the 121st General Assembly, to Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly, to Section 3 of Am. Sub. H.B. 215 of the 123rd General Assembly, to Section 4 of Am. S.B. 210 of the 123rd General Assembly, and to Section 129 of Am. Sub. H.B. 283 of the 123rd General Assembly constitute items of law that are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the items go into immediate effect when this act becomes law.

SECTION 228. The repeals by this act of Section 18 of Am. Sub. H.B. 650 of the 122nd General Assembly and of Section 17 of Am. Sub. H.B. 282 of the 123rd General Assembly are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the repeals go into immediate effect when this act becomes law.

SECTION 229. If the amendment or enactment in this act of a codified or uncodified section of law is subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are subject to the referendum, along with the amendment or enactment. If the amendment or enactment by this act of a codified or uncodified section of law is not subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are not subject to the referendum, the same as the amendment or enactment.

SECTION 230. An item, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained

in this act has no effect after June 30, 2003, unless its context clearly indicates otherwise.

SECTION 231. The amendment of sections 4779.01, 4779.02, 4779.16, 4779.19, 4779.20, and 4779.26 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of those sections.

SECTION 232. * Section 102.06 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 285 and Am. Sub. H.B. 492 of the 120th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 233. * Section 124.24 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 601 and Am. Sub. H.B. 628 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 234. Section 145.01 of the Revised Code is presented in this act as a composite of the section as amended by Am. Sub. H.B. 628, Am. Sub. H.B. 640, and Am. Sub. S.B. 144, all of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 235. Section 901.63 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 19 and Am. Sub. H.B. 283 of the 123rd General Assembly. The General Assembly,

applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 236. * Section 2317.02 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 506 and Am. Sub. S.B. 180 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 237. * Section 2953.21 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. S.B. 258 and Am. Sub. S.B. 269 of the 121st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 238. Section 3317.03 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 640 and Sub. S.B. 173 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 239. * Section 3701.771 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 117 and Am. Sub. S.B. 162 of the 121st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable

of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 240. * Section 3701.772 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 117 and Am. Sub. S.B. 162 of the 121st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 241. Section 4503.12 of the Revised Code is presented in this act as a composite of the section as amended by both Am. H.B. 141 and Am. Sub. S.B. 60 of the 122nd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 242. Section 4731.281 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 511 and Sub. H.B. 585 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 243. * Section 5101.141 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 332 and Sub. H.B. 448 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in

this act.

SECTION 244. * Section 5101.80 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 470 and H.B. 471 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 245. * Section 5119.61 of the Revised Code is presented in this act as a composite of the section as amended by both Am. H.B. 264 and Am. Sub. H.B. 283 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 246. Section 5123.71 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 247. Section 5123.76 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 248. * Section 5727.26 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 612 and Am. Sub. H.B. 640 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 249. * Section 5731.21 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 313 and Sub. S.B. 108 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 250. * Section 5739.02 of the Revised Code is presented in this act as a composite of the section as amended by Am. Sub. H.B. 138, H.B. 612, and Am. Sub. H.B. 640 of the 123rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 251. If any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified and uncodified sections contained in this act are composed, and their applications, are independent and severable.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. H. B. No. 94

1487

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____